685 GUPTON

See 236, 178

[redacted]

Gretchen Hamel
Subsurface Legal
271-3137

10-12 Depot Square

~~[illegible]~~

DID NOT SCAN ALL
RECORDED DEEDS
& PLANS - TOO MANY.
SEE FOLDER!
abstract by Leslie (Lafond?)

south of the Exeter Road bridge, facing an empty lot on Lafayette Road. This muddy lot owned by the railroad, combined with the ramshackle old depot and no landscaping, was soon considered an eyesore. In 1901, railroad officials visited Hampton and announced plans to create an ornamental park near the depot, but nothing was done. The newspaper and various civic groups, including the Village Improvement Society, continually urged the railroad to make changes, but their efforts were rebuffed until 1916. In April of that year, the *Union*'s "Good Things" column recommended some civic improvements, many of which were being contemplated at that time. First mentioned was widening Main Street (Lafayette Road) from the Odd Fellows Block to the junction with High Street, "which will remove a curve out of the street and eliminate the dangerous situation with the intersection at High Street." The plan hinged on the B&M Railroad providing gravel. Part of this rebuilding included the improvement of Depot Square, where the new Brooks automobile garage was being staked out on land acquired from the railroad. A drive circled the square, and in the center were a lawn and a garden. A month later, the *Union* reported that the railroad supported the square improvement and would assist in any way it could. The paper also hoped the railroad would reclapboard and paint the station. Under the direction of Selectman Joseph B. Brown, the square project was completed quickly.

A 1925 fund-raising campaign led by barber Chester Marston, who provided Hampton haircuts for some 45 years, resulted in the construction of a bandstand in the square. Concerts were held on Monday nights from 7 until 8:30 P.M., ending in time for the 8:40 P.M. electric car back to the Beach. In 1942, the railroad completely rebuilt the depot, installing modern toilets, laying new floors, and painting it inside and out. The Town finally acquired the railroad lot, known then as Depot Square, for $8,500 in 1955. For more than 100 years the square was the center of transportation activity in the town. Business actually increased after World War II, when the railroad operated a daily "Beachcomber" train that brought vacationers north from Massachusetts (although it didn't stop in Hampton), and in 1954 a new sleeping car was named "Miss Hampton Beach." New, self-powered diesel Budd cars replaced the regular passenger trains in 1953, but, even with all this activity, the

D33589

UNIT 402 SOLD 04/2007 4786-1744
UNIT 102 SOLD 04/2007

2006 NOV 11 PM 3:23 050172

more in 2007
gets crazier
foreclosed 2010
7 UNITS

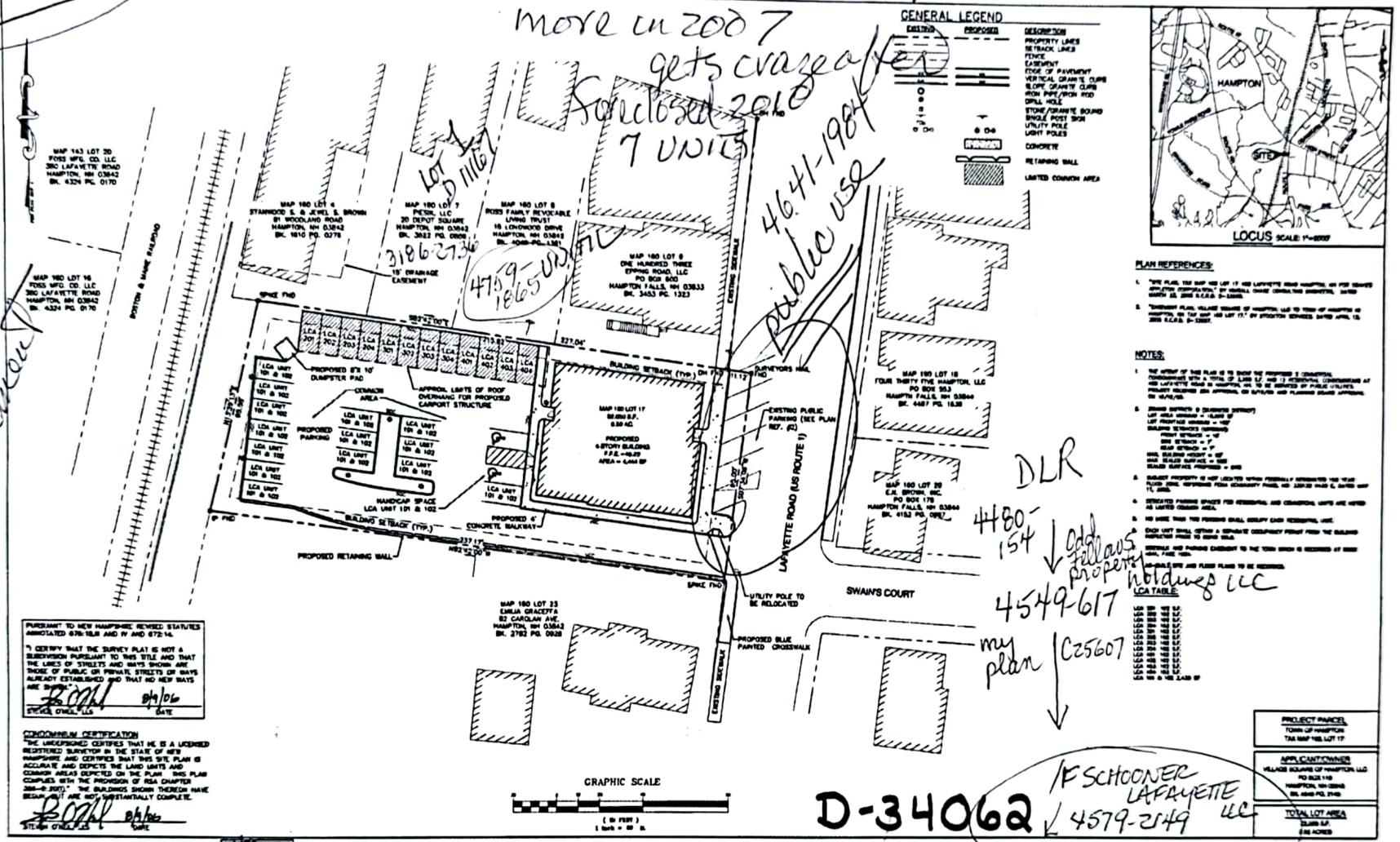
LOT 1 D 11167

4641-1984 public use

3186-27.36

4759-1865 UNITY

Carport
until Easement Sp



DLR
4480-154
odd fellows property holdings LLC
4549-617
my plan C25607

PURSUANT TO NEW HAMPSHIRE REVISED STATUTES ANNOTATED 676:18,III AND IV AND 672:14.
"I CERTIFY THAT THE SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN."
STEVEN O'NEIL, LLS — DATE 8/9/06

CONDOMINIUM CERTIFICATION
THE UNDERSIGNED CERTIFIES THAT HE IS A LICENSED REGISTERED SURVEYOR IN THE STATE OF NEW HAMPSHIRE AND CERTIFIES THAT THIS SITE PLAN IS ACCURATE AND DEPICTS THE LAND UNITS AND COMMON AREAS DEPICTED ON THE PLAN. THIS PLAN COMPLIES WITH THE PROVISION OF RSA CHAPTER 356-B (2001). THE BUILDINGS SHOWN THEREON HAVE BEGUN BUT ARE NOT SUBSTANTIALLY COMPLETE.
STEVEN O'NEIL, LLS — DATE 8/9/06

PROJECT PARCEL
TOWN OF HAMPTON
TAX MAP 160, LOT 17

APPLICANT/OWNER
VILLAGE SQUARE OF HAMPTON, LLC
PO BOX 118
HAMPTON, NH 03842
BK. 4048 PG. 2140

TOTAL LOT AREA
26,099 S.F.
0.60 ACRES

REV.	DATE	REVISION	BY
0	8/9/06	REVISED PER ATTORNEY COMMENTS	JAC
1	8/14/06	REVISED PER ATTORNEY COMMENTS	TED
0	8/31/06	ISSUED FOR REVIEW	MTL

Jones & Beach Engineers, Inc.
85 Portsmouth Ave. PO Box 219 Stratham, NH 03885
Civil Engineering Services
603-772-4746 FAX 603-772-0227 E-MAIL JBE@JONESANDBEACH.COM

Plan Name: VILLAGE SQUARE OF HAMPTON CONDOMINIUM SITE PLAN
Project: TAX MAP 160, LOT 17 — 428 LAFAYETTE ROAD, HAMPTON, NH
Client: VILLAGE SQUARE OF HAMPTON, LLC — PO BOX 118, HAMPTON, NH 03842

C1
SHEET 1 OF 1

D-34062

IF SCHOONER LAFAYETTE 4579-249 LLC

more stuff not logged here

carport not shown on site plan
how did it get built??

declaration 4694-1242 read
BYLAWS 4694-1260 NOT READ
weasel out of as-built plans 4695-1173
Amendment 4738-1659
FLOOR PLANS — Separate 34622-34655

Printed from Internet for on 6/23/2014

1) 817 917-1139

~~Richa~~ Ted Gupton
1012 Depot Square

LISA ROSS

— Millenuim — high??

Richard Page referred him.

2) ~~Tuesday morning~~

~~Tuesday~~

9:00 on Wednesday

+ LRA STONE +

stockton

tbgupton@gmail.com

suggest $300-500 research/recon first

file 270
plan 5918

Gordon [redacted] deeds executed
2391-362
2391-360 DD 6/12/81 RD 6/15/81

Ross deeds executed
DD 6/15/81 RD 6/15/81 3:26 PM

Becket et al → Ross 2391-570

DO GORDONS Successors have parking rights along sidewalk

B&M to Ross & Perkins rights to tee and TOR (successors & assigns) date 1958 1486-387

AT THAT TIME B&M still had piece along RR — sold to all State 1506-368
DD & RD 5/29/1959

Town of Hampton
Department of Public Works
100 Winnacunnet Rd.
Hampton, NH 03842

Tobey Spainhower
Sewer & Drain Foreman

Fax 603-929-1913
603-929-5932

6/27/14

BOBBY WALKER

1950

Exeter Road line
now goes someplace
else other side
TRACKS

1930's sewer

05-06

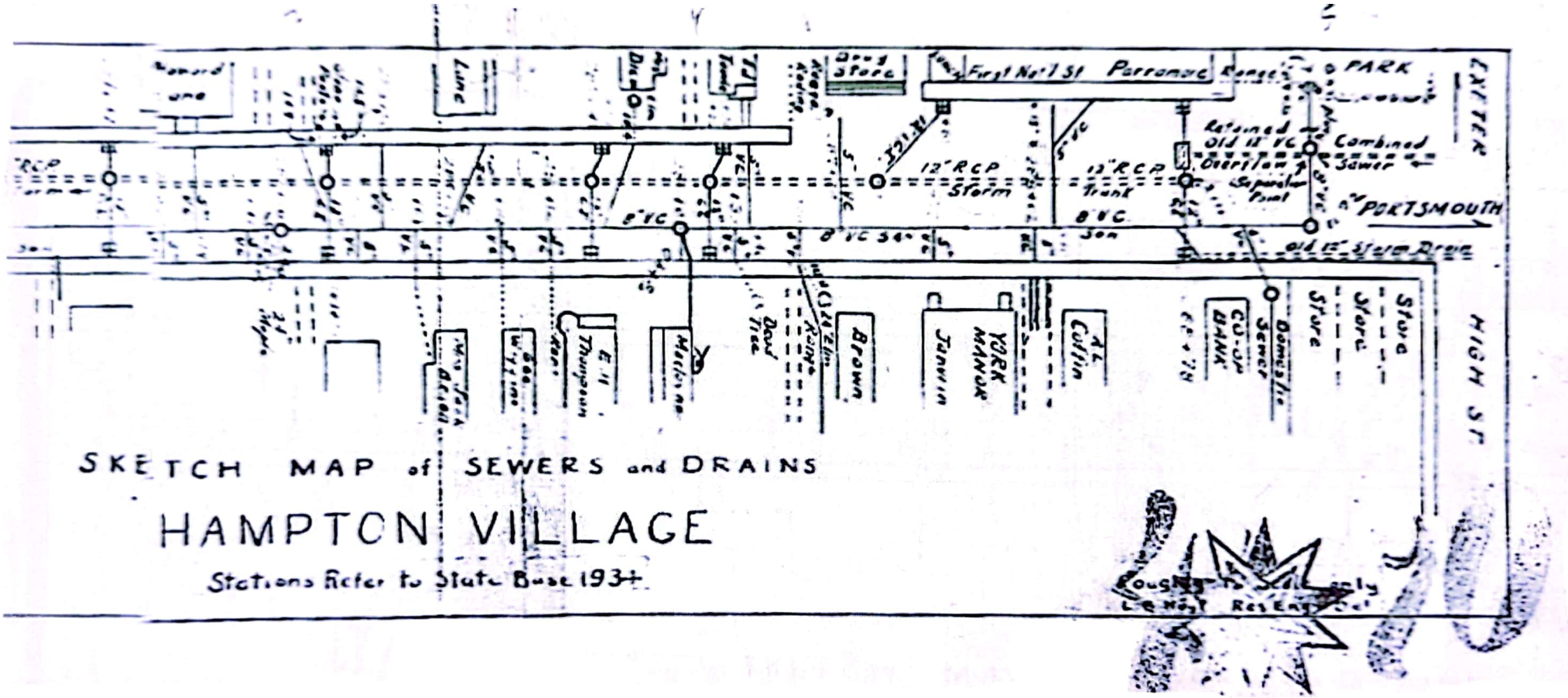
Leavitt McGrath - old sewer

Bobby - nothing done
w/ any sewer except
re-doing garage sewer
since 76

connection
built in line

tap = put
in after

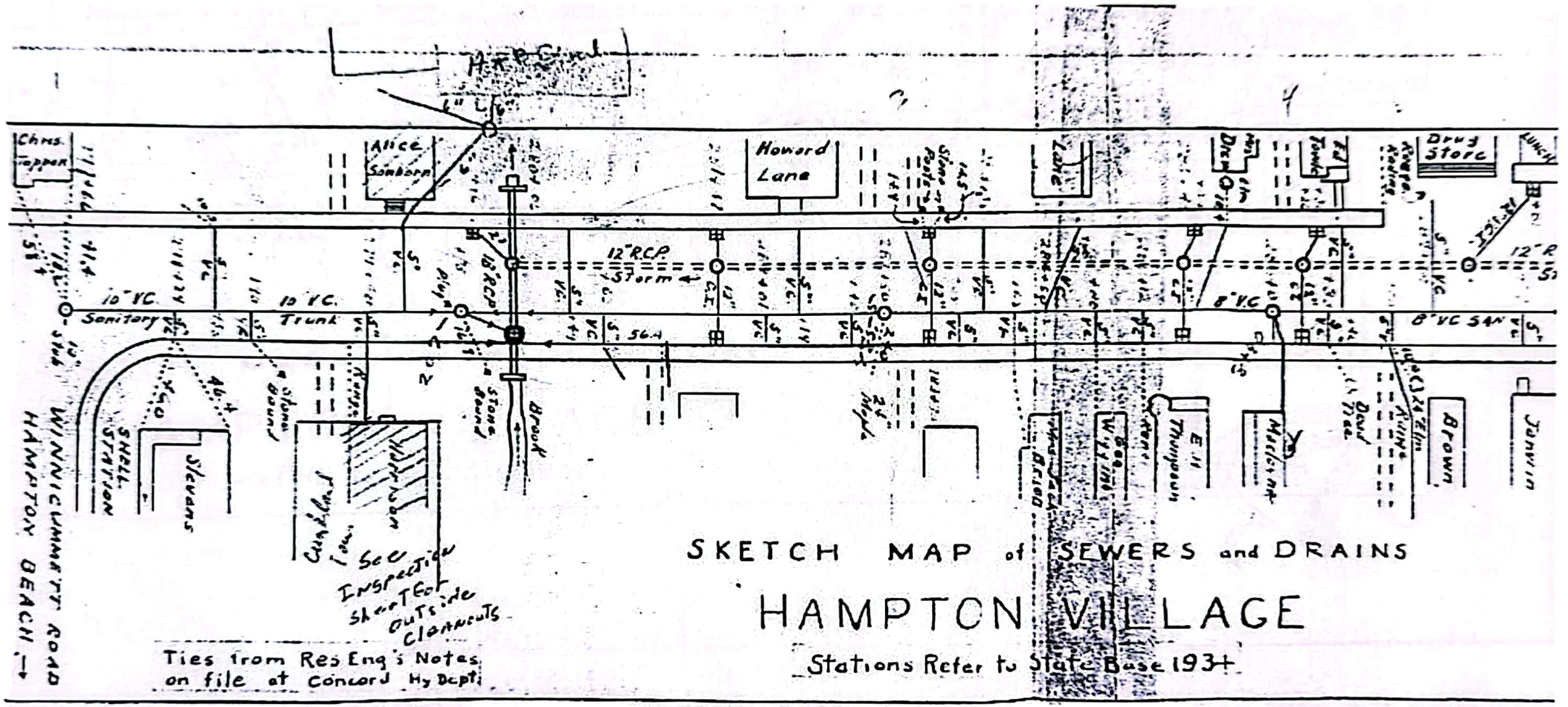
Stock

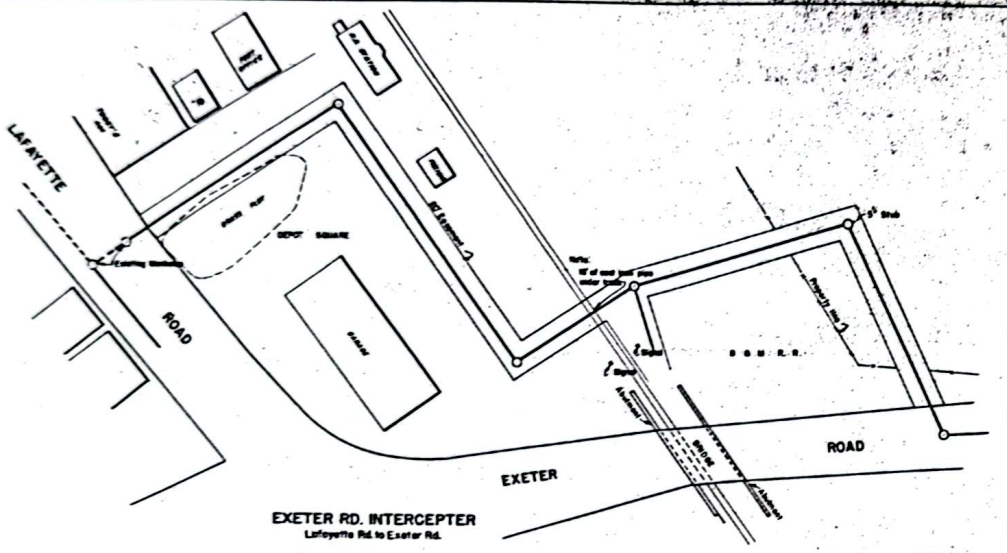


SKETCH MAP of SEWERS and DRAINS

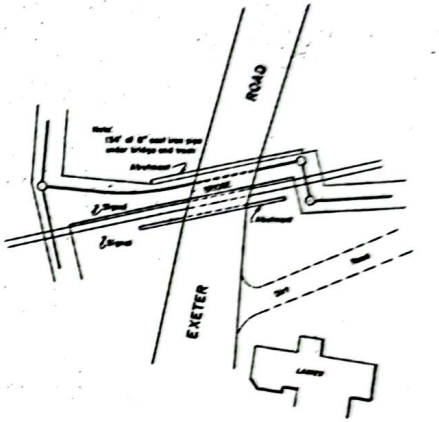
HAMPTON VILLAGE

Stations Refer to State Base 1934


SKETCH MAP of SEWERS and DRAINS
HAMPTON VILLAGE
Stations Refer to State Base 1934
Ties from Res Eng's Notes on file at Concord Hy Dept.
WINNICUMMETT ROAD
HAMPTON BEACH
Chas. Tappan
Alice Sanborn
Howard Lane
Lane
Drug Store
Lunch
12" R.C.P. Storm
10" V.C. Sanitary
10" V.C. Trunk
8" V.C.
8" V.C. San
Brook
Stone Bound
Stone Bound
Stone Bound
Shell Station
Stevens
Harrison
See Inspection Sheet for Outside Cleanouts
Brown
Janvin
Dead Tree
Elm
Maclean
E. H. Thompson
Geo. Wiggins
Mrs. Jack Brion

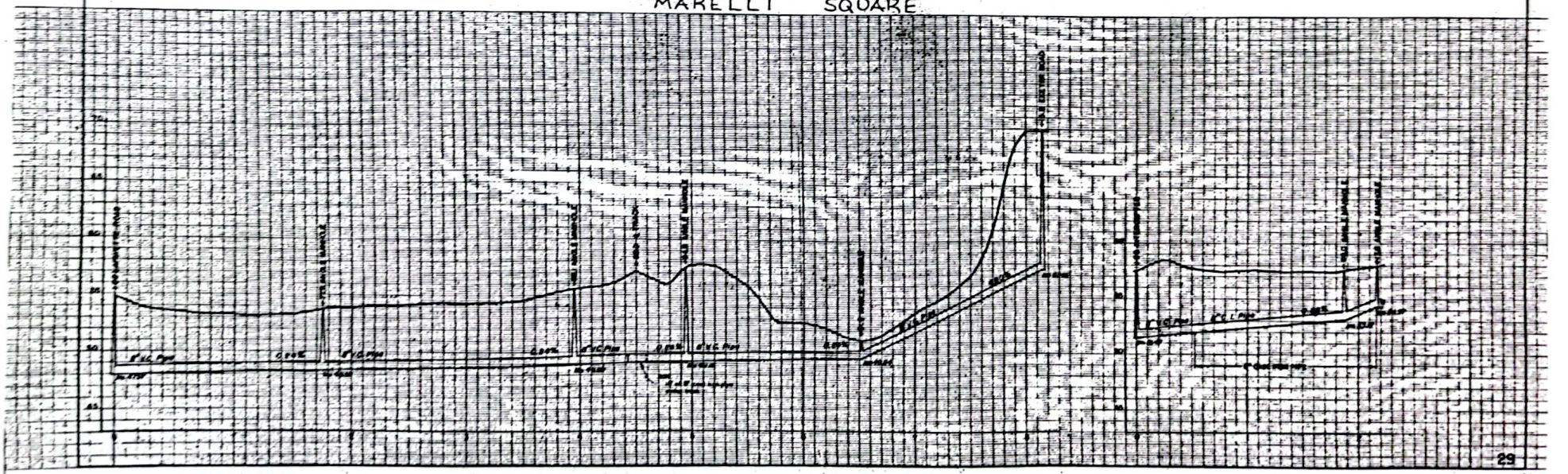


EXETER RD. INTERCEPTER
Lafayette Rd. to Exeter Rd.



RAILROAD INTERCEPTER
From Sta. 0+0 to Sta. 2+17.0

MARELLI SQUARE



29

CHARLES SEWING COMPANY
PLAN PROFILE PLATE A

CHARLES SEWING COMPANY
PLAN PROFILE PLATE A

DRAWER 1 PLAN 41

VERMONT PIPELINE SERVICES CO., INC.
(802) 234-9931
(802) 295-6366

Area _____ Sheet No. 1

Project Hampton, N.H. Project No. _____ Date 9-25-89

Client Hampton, N.H. Inspector BK

Section On Depot Street

From Manhole # 3+95.1 To Manhole # 1+77.5

Pipe Size 8 In., Pipe Type VC Pipe Length 3 Ft., Type of Joints B/S

Ref. No.	Footage	Observations	Infiltration/ Clock Ref.	Infiltration/ Inflow gpm	Recommended Correction Action	Video No.
1	0+00	℄ of MH# 3+95.1				0000
2	0+10	Set Footage				
3	0+16.6	Vertical Crack	12 to 5			
4	0+89.7	Service Connection	10			
5	1+39	Service Tap Protruding	1" 1	Running		
6	2+14	℄ of MH# 1+77.5				
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						
21						
22						
23						
24						
25						

Special Notes _____ MH # 3+95.1 MH # 1+77.5

Direction of Flow >>>>>>>

Direction of Measurement >>>>>>>

VERMONT PIPELINE SERVICES CO., INC.
(802) 234-9931
(802) 295-6366

Area _____ Sheet No. 1

Project Hampton, N.H. Project No. _____ Date 9-26-89

Client hampton, N.H. Inspector BK

Section On Depot Square

From Manhole # 1+77.5 thru To Manhole # 0+00 (on Lafayette Rd.) to MH# 11+72.5

Pipe Size 8 In., Pipe Type VC Pipe Length 3 Ft., Type of Joints B/S

Ref. No.	Footage	Observations	Infiltration/ Clock Ref.	Infiltration/ Inflow gpm	Recommended Correction Action	Video No.
1	0+00	℄ of MH# 1+77.5				
2	0+08	Service Connection	2-3			
3	0+10	Set Footage				
4	0+10	Joint w/light roots				
5	0+48	Joint w/moderate -heavy roots				
6	0+52	Service Tap				
7	0+55	Service Connection	2-3			
8	0+68	Moderate to heavy roots				
9	1+57	Broken Bell				
10	1+64	Line Sag 2½"				
11	1+74	℄ of MH# 0+00		Asphalt Build-up in the invert.		
12						
13						
14						
15						
16						
17						
18						
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22						
23						
24						
25						

Special Notes _____ MH # 1+77.5 - 0+00 MH # 11+72.5

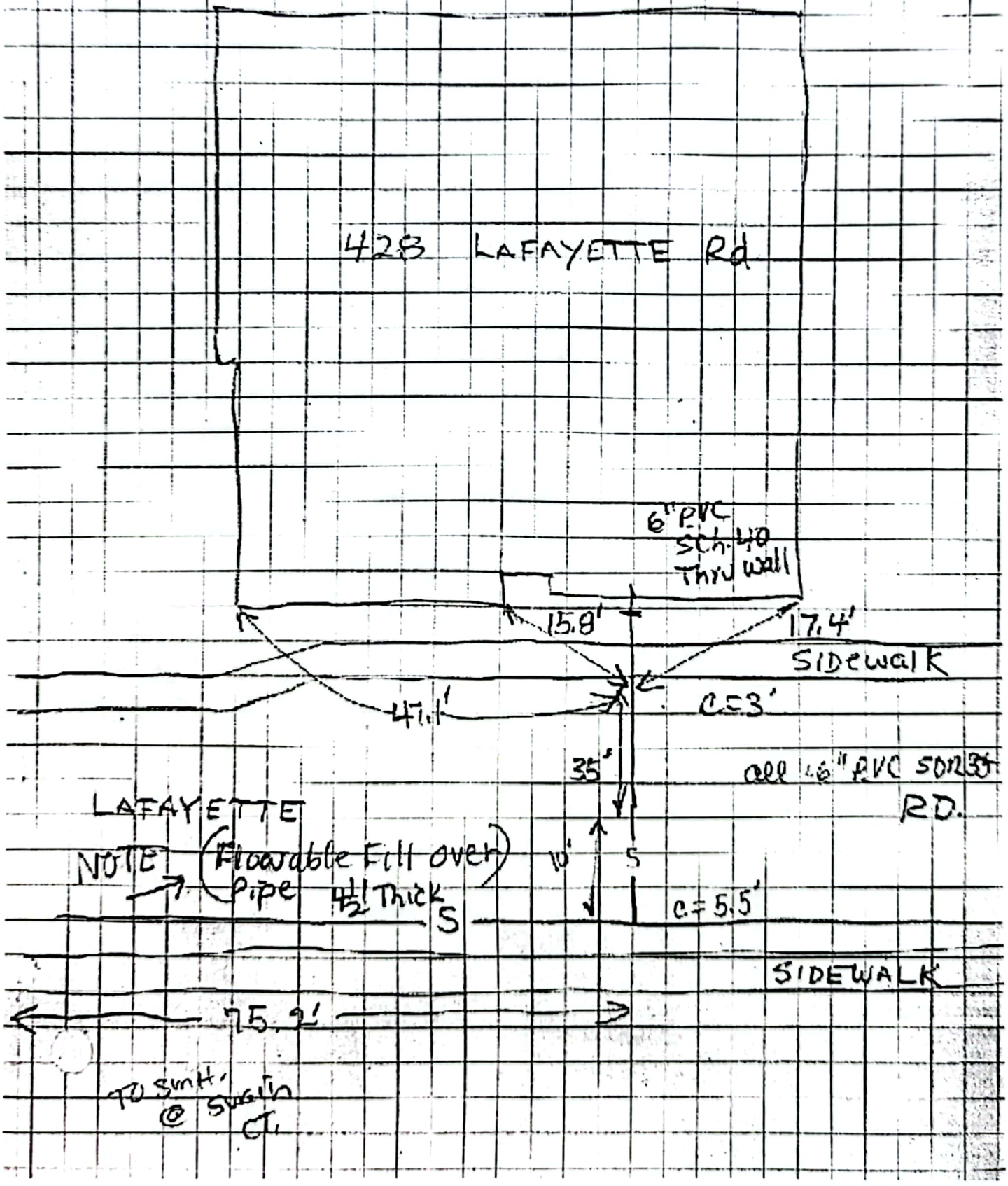
Direction of Flow ›››››››

Direction of Measurement ›››››››

428 LAFAYETTE Rd.

11-26-06
11-29-06
PH 3669
3-27-06

LESSARD.
HAMPTON, N.H.
VISUAL Inspection



RE: Depot Square, Hampton

Hamel, Gretchen [Gretchen.Hamel@des.nh.gov]
Sent: Tuesday, August 11, 2015 12:48 PM
To: Tocky B - Stockton Services; jflagg@flagglawfirm.com
Cc: Tardif, Rob [Robert.Tardif@des.nh.gov]; Buker, Dawn [Dawn.Buker@des.nh.gov]
Attachments: Depot Square-Hampton-final~1.pdf (116 KB)

Greetings-

Attached is a draft of the letter we have prepared per your request. Please let me know if you have any questions, concerns, *etc*., so that we can finalize the letter and get it to you.

Thanks,
Gretchen

Gretchen Rule Hamel, Administrator
DES Legal Unit
29 Hazen Drive; P.O. Box 95
Concord, NH 03302-0095
Tel: 603-271-3137
Fax: 603-271-8805
Gretchen.Hamel@des.nh.gov

From: Tocky B - Stockton Services [mailto:stockton@ttlc.net]
Sent: Tuesday, August 11, 2015 12:33 PM
To: Hamel, Gretchen
Subject: RE: Depot Square, Hampton

Attorney Hamel,
Just checking to be sure you are copying your draft response to me as we discussed this morning.
Thank you.
Tocky B

Anne W. Bialobrzeski
NHLLS #752
NHDES Septic Designer #348
Stockton Services
PO Box 1306
Hampton, NH 03843-1306
office: 603 929-7404
cell: 603 765-8918

From: Hamel, Gretchen [Gretchen.Hamel@des.nh.gov]
Sent: Friday, July 24, 2015 11:22 AM
To: Tocky B - Stockton Services
Cc: Buker, Dawn; jflagg@flaglawfirm.com; tbgupton@gmail.com; lisagupton2@gmail.com
Subject: RE: Depot Square, Hampton

Thank you for sending this to me. It does appear that Dawn is out until next Tuesday. I will be ready to review it with her when she gets back, and one of us will get back to you.

-Gretchen

Gretchen Rule Hamel, Administrator
DES Legal Unit
29 Hazen Drive; P.O. Box 95
Concord, NH 03302-0095
Tel: 603-271-3137
Fax: 603-271-8805
Gretchen.Hamel@des.nh.gov

From: Tocky B - Stockton Services [mailto:stockton@ttlc.net]
Sent: Friday, July 24, 2015 10:07 AM
To: Hamel, Gretchen
Cc: Buker, Dawn; jflagg@flaglawfirm.com; tbgupton@gmail.com; lisagupton2@gmail.com
Subject: Depot Square, Hampton

Attorney Hamel,
Per our discussion.....
I sent this to Dawn Buker last week assuming she would bring it to you and am now learning that she may be out on vacation, so please find attached a preliminary draft of an opinion letter requested of me by Atty Jonathan Flagg. He has not reviewed it yet but suggested that I forward it to you for your input. This file includes a couple of revisions not sent to Dawn initially. Am copying this version to all to keep us on the same page.
Thank you,
Tocky B

Anne W. Bialobrzeski
NHLLS #752
NHDES Septic Designer #348
Stockton Services
PO Box 1306
Hampton, NH 03843-1306
office: 603 929-7404
cell: 603 765-8918

THE STATE OF NEW HAMPSHIRE

ROCKINGHAM

SUPERIOR COURT
DOCKET NO. 218-2014-CV-01365

Pairpoint Group, LLC
111 Water Street
Exeter, New Hampshire 03833

v.

Theodore Bryan Gupton and Lisa Ross Gupton
4124 Clark Avenue
Fort Worth, Texas 76107

AFFIDAVIT OF ANNE W. BIALOBRZESKI

1. My name is Anne W. Bialobrzeski. I have been a New Hampshire Licensed Land Surveyor #752 since 1989 and a New Hampshire DES Subsurface Septic system Designer #348 since 1980. I received a Bachelor of Arts from Colby College in 1971. I was employed by Parker Survey Associates from 1973-1987. I am self-employed as Stockton Services from 1987-present.

2. I have been asked by the Guptons to opine on whether a septic system can be placed on their property at 10-12 Depot Square in Hampton, N.H. I have searched records with the State and the Town of Hampton. My office is in Hampton and I have done a great deal of work in Hampton over the last 40 plus years.

3. The parent tract for the subject land (19,921 square feet) is shown on the attached 1922 recorded plan. It was subdivided into two lots in1981 without DES subdivision approval, and apparently without Planning Board approval, as the plan is not recorded.

4. The lot currently owned by the Guptons was created by a further subdivision in 1982 (RCRD Plan D-11167). This lot was approved by the Hampton Planning Board for 5,443 square feet of area because the existing building was served by municipal water and sewer. Lacking public sewer, this subdivision would have required approval from NHDES. The minimum lot size required for state approval under the best soil conditions and with public water service would have been 20,000 square feet. The minimum lot size required by the Town of Hampton for a lot without public sewer would have been 40,000 square feet.

5. RSA 147:8 requires that occupied buildings located within 100 feet of a public sewer must connect unless the municipality grants a connection waiver. The Town of Hampton will not grant a waiver without a DES approved septic design.

6. Approval of a septic design by DES would require state subdivision approval. In addition to the overall lot size requirement listed in Item 1, the lot must contain a minimum of 4,000 contiguous square feet suitable for the placement of a septic system. Land within 10' of property lines and land occupied by buildings and required setbacks from said buildings cannot be included, leaving approximately 1,600 square feet of potentially suitable area where 4,000 square feet are required.

7. There are known subsurface gas lines and additional drainage and water lines whose locations have not yet been confirmed that would likely further compromise the net area in Item 3. There is a surface runoff collection area in the rear of the lot that in my opinion is not suitable for disposal in its present condition, reducing the usable disposal area still further (see attached photograph). Any permanent solution to this problem would involve installation of drainage structures and closed pipes to deliver the surface water off-site through abutting private property. The required setbacks from such structures would eliminate the area suitable for disposal altogether.

8. Although no soil testing has been performed, extrinsic evidence suggests a seasonal high water table that would necessitate a raised system, which would obstruct existing ingress, egress, and parking currently used by all three contiguous property owners and their tenants.

9. Plans on file with the Town of Hampton show that the sewer service in question has been in place since1934. The building through which it runs was destroyed by fire in 1943 and rebuilt in 1945, keeping the service in place for a total of 47 years prior to the first subdivision in 1981. Two owners since the 1981 subdivision have allowed the service to remain in place for another 34 years.

10. I am not the regulating authority. In my professional opinion, however, this lot is not a viable location for the installation of a septic system. I do not believe that DES would grant subdivision approval for this property, without which review of an actual design would not even be conducted. Furthermore, based on the lot size and configuration, the drainage problems, and the existing underground utility constraints, I do not believe that an adequate on-site septic disposal system can be designed for this property.

11. Since I am not a regulating authority, I provided all of the above information to the New Hampshire Department of Environmental Services. I received the attached August 14, 2015 letter from the Department of Environmental Services indicating that an individual sewage system cannot be approved for this property.

Dated: _____

_____

Anne W. Bialobrzeski

STATE OF NEW HAMPSHIRE
ROCKINGHAM COUNTY

Personally appeared the above-named Anne W. Bialobrzeski, and acknowledged that she has read the foregoing affidavit and has sworn that the same is true of her personal knowledge, except where based upon business records were indicated.

Dated: _____

_____
Notary Public
My commission expires:

The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner

August 14, 2015

Anne Bialobrzeski
Stockton Services
PO Box 1306
Hampton, NH 03843-1306

Subject: Gupton Property, Depot Square, Hampton, NH

Ms. Bialobrzeski:

You have inquired about whether it would be possible to install an individual sewage disposal system (ISDS) on the above-noted property (Property). Based on the information you have provided to the Department of Environmental Services (Department) regarding lot size and use, wastewater loading, and subdivision history, an ISDS cannot be approved for the Property as explained below.

We understand that the parent lot was originally created in January 1922 and was subdivided into two lots in 1981, with one of those lots being further subdivided in April 1982 into the Property and the lot that lies between the Property and Lafayette Road. The 1982 subdivision received local subdivision approval. State laws in effect at that time did not require plans or specifications be submitted to the State if the lots were to be connected to a public sewer system. As such, the lots did not require, and therefore never received, State subdivision approval. Further, since the lots were served by a public sewer system, no ISDS construction approval was ever granted for any of the lots.

RSA 485-A:29-44 authorizes the Department to regulate ISDS and subdivisions where wastewater will not be discharged to a public sewer system. Pursuant to the authority conferred by the statute, the Commissioner of the Department has adopted NH CODE ADMIN. RULES Env-Wq 1000, the New Hampshire Subdivision and Individual Sewage Disposal System Design Rules (Rules). The Rules establish the requirements for obtaining approvals for subdivisions and ISDS, and address the relationship between subdivision approval and ISDS approval.

Specifically, Env-Wq 1004.04, Subdivision Approval Required Prior to Septic System Approval, requires a lot smaller than five acres to either have State subdivision approval or meet one of the exceptions listed in Env-Wq 1004.05(a) in order to be eligible for ISDS approval. Env-Wq 1004.05, Lots or Condominiums Not Having Subdivision Approval, states:

(a) The department shall not require that a lot of less than 5 acres have subdivision approval prior to being eligible for ISDS approval in the following circumstances:

(1) The lot is within 1,000 feet of surface water and was created prior to July 1, 1967;

(2) The lot is not within 1,000 feet of surface water and was created prior to July 1, 1971;

(3) The lot is within 1,000 feet of surface water and was created between July 1, 1967 and July 1, 1975 or is not within 1,000 feet of surface water and was created between July 1, 1971 and July 1,1975, and:

a. The lot is within a subdivision that received local approval, if such approval was required by local ordinances or regulations in place at the time the lot was created;

b. At least 50% of the other lots in the subdivision have been built on pursuant to valid construction approvals issued by the department or its predecessor agency, or 25% to

50% of the lots, including at least one abutting lot, have been built on pursuant to valid construction approvals; and

c. Subdivision approval cannot be obtained from the department because the lot does not meet current subdivision criteria.

Since the Property does not meet any of the criteria, it does not qualify for an exemption from state subdivision approval.

In order to obtain subdivision approval so that an ISDS could be approved, then, the Property must meet the requirements in Env-Wq 1005. For commercial lots, the minimum allowable lot size is calculated using the formula in Env-Wq 1005.04(b), namely Lot Size = (Q gpd / 2,000 gpd/acre) x sewage loading factor. Env-Wq 1005.04(c) requires the minimum flow (Q) for a commercial lot to be 600 gallons per day (gpd). The sewage loading factor for the best case soil and slope conditions is 1. Therefore, the minimum commercial lot size for subdivision approval is 13,068 square feet. Based on our understanding that the Property is 5,443 square feet, it does not meet the minimum requirements for commercial subdivision approval.[1]

Even if the requirement for subdivision approval could be waived, the Property is still not large enough to contain an ISDS. As you know, the absolute minimum design flow for an ISDS is 300 gpd. Using the lot size formula discussed above, and assuming the best soil and slope conditions, a minimum of 6,534 square feet of suitable soil would be required to support a 300 gpd sewage load. Since the entire Property is only 5,443 square feet and most of that is either covered by the building or subject to uses or conditions that are incompatible with installing an ISDS, it would not be possible to approve an ISDS for the Property.[2]

To summarize, the Property legally exists as it was approved in 1982 using municipal sewer. Under current state requirements as applied to the facts you have presented, an on-site ISDS cannot be approved for the Property. If you have any questions, please contact me at 603-271-2904 or robert.tardif@des.nh.gov.

Sincerely,

Robert Tardif, Administrator
Water Division
Subsurface Systems Bureau

ec: DES Legal Unit

[1] For residential lots, Env-Wq 1005.02 requires the lot to contain a minimum of 20,000 contiguous square feet of soil suitable for a receiving layer, so the lot in question also does not meet the minimum requirements for a residential subdivision.

[2] This determination is based on existing requirements based on current technologies. However, significant changes to one or both would have to occur to change this determination, and such changes are unlikely.

Dear Lisa and Ted

As requested I researched your property at 10/12 Depot Square in Hampton. I also did the title for the properties on either side of your building. I have enclosed a Chain of Title for all three properties, you will note they all originated with a deed to Thomas Cogger from B & M Railroad in 1922.

I have enclosed copies of everything that I thought would be helpful to you, ie easements, wills, deeds etc. I will make note of some things I felt were important.

1. All three properties were conveyed subject to the language in the Will of Myrtle Cogger, please review. I have include what probate documents pertained to the real estate in question. The Railroad conveyed to the Trustees the right of way (see deed 1486/387), this includes rights to use sidewalk and park on the Southerly side.
2. The sewer easement is shown on plan at 1486/392 and is referred to in deeds at 1610/270 and 1610/278 as being "taken by the Town of Hampton by Order of Taking dated November , 1950. The Stan Brown deed at 1610/278 has language about use of the parking etc.
3. There is a Water Line Easement recorded at 1862/267
4. Also, as I mentioned there is an undischarged mortgage to Myrtle Cogger Trust from Al and Ruth at 2391/572 that should be discharged of record.

Once you have had time to review the package, please feel free to contact me with any questions!!

Best Regards,

IN FOLDER

Leslie

Leslie

MAP OF LAFAYETTE ROAD
HAMPTON N.H.

SCALE 1 IN. 50 FT.

W.T. Hess C.E.

J.W. BUSWELL

J.F. WILLIAMS

S.T. COW

BOSTON AND MAINE R.R.

C.R. SARGENT

C. STEVENS

O.H. WHITTIER

C.A. DOW

J.C. BROWN

ODD FELLOWS HALL

925 FT.

J.A. LANE

LAFAYETTE ROAD

J.A. LANE

350 FT.

S 7° 13' W

O.H. WHITTIER

C.C. TOPPAN'S HOUSE N.E. COR.

Anne W. Bialobrzeski
New Hampshire Licensed Land Surveyor #752 since 1989
New Hampshire DES Subsurface Septic system Designer #348 since 1980
Bachelor of Arts, Colby College 1971
Employed by Parker Survey Associates 1973-1987
Self-employed as Stockton Services 1987-present

rough draft 07-20-15
for attorney comment

1. The parent tract for the subject land (19,921 square feet) is shown in the attached
2. 1922 recorded plan. It was subdivided into two lots in1981 without DES subdivision approval, and apparently without Planning Board approval, as the plan is not recorded. The lot currently owned by the Guptons was created by a further subdivision in 1982 (RCRD Plan D11167). This lot was approved by the Hampton Planning Board for 5,443 square feet of area because the existing building was served by municipal water and sewer. Lacking public sewer, this subdivision would have required approval from NHDES. The minimum lot size required for state approval under the best soil conditions and with public water service would have been 20,000 square feet. The minimum lot size required by the Town of Hampton for a lot without public sewer would have been 40,000 square feet.
3. RSA 147:8 requires that occupied buildings located within 100 feet of a public sewer must connect unless the municipality grants a connection waiver. The Town of Hampton will not grant a waiver without a DES approved septic design.
4. Approval of a septic design by DES would require state subdivision approval. In addition to the overall lot size requirement listed in Item 1, the lot must contain a minimum of 4,000 contiguous square feet suitable for the placement of a septic system. Land within 10' of property lines and land occupied by buildings and required setbacks from said buildings cannot be included, leaving approximately 1,600 square feet of potentially suitable area where 4,000 square feet are required.
5. There are known subsurface gas lines and additional drainage and water lines whose locations have not yet been confirmed that would likely further compromise the net area in Item 3. There is a surface runoff collection area in the rear of the lot that in my opinion is not suitable for disposal in its present condition, reducing the usable disposal area still further (see attached photograph). Any permanent solution to this problem would involve installation of drainage structures and closed pipes to deliver the surface water off-site through abutting private property. The required setbacks from such structures would eliminate the area suitable for disposal altogether.
6. Plans on file with the Town of Hampton show that the sewer service in question has been in place since1934. The building through which it runs was destroyed by fire in 1943 and rebuilt in 1945, keeping the service in place for a total of 47 years prior to the first subdivision in 1981. Two owners since the 1981 subdivision have allowed the service to remain in place for another 34 years.

I am not the regulating authority. In my professional opinion, however, this lot is not a viable location for the installation of a septic system. I do not believe that DES would grant subdivision approval for this property, without which review of an actual design would not even be conducted. Furthermore, based on the lot size and configuration, the drainage problems, and the existing underground utility constraints, I do not believe that an adequate on-site septic disposal system can be designed for this property.

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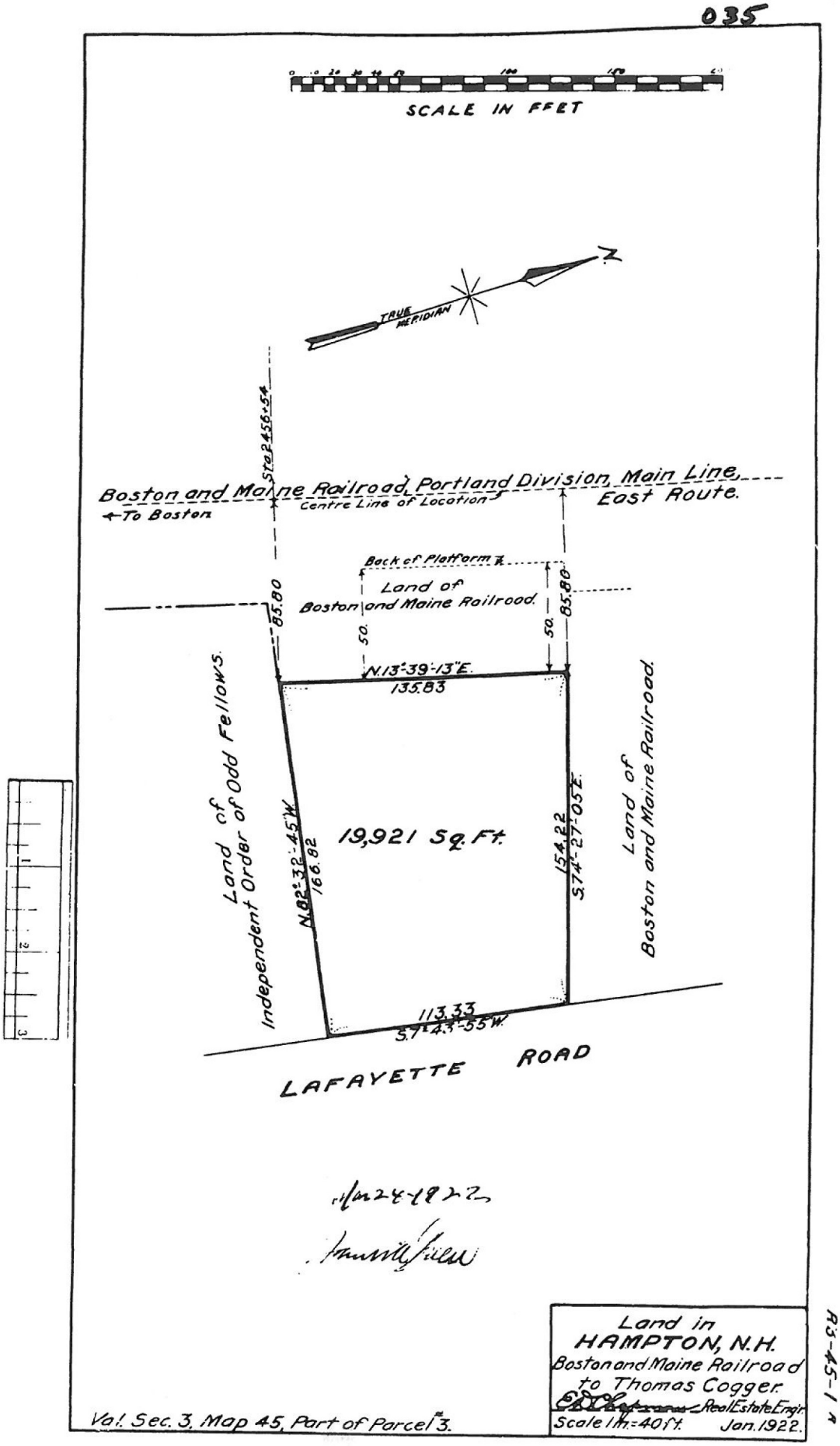
PLAT 8 Pg

035

R3-45-1



R3-45-1 A

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Nov 9 4 34 PM '82 23327

ENGINEERS
SURVEYORS
DESIGNERS

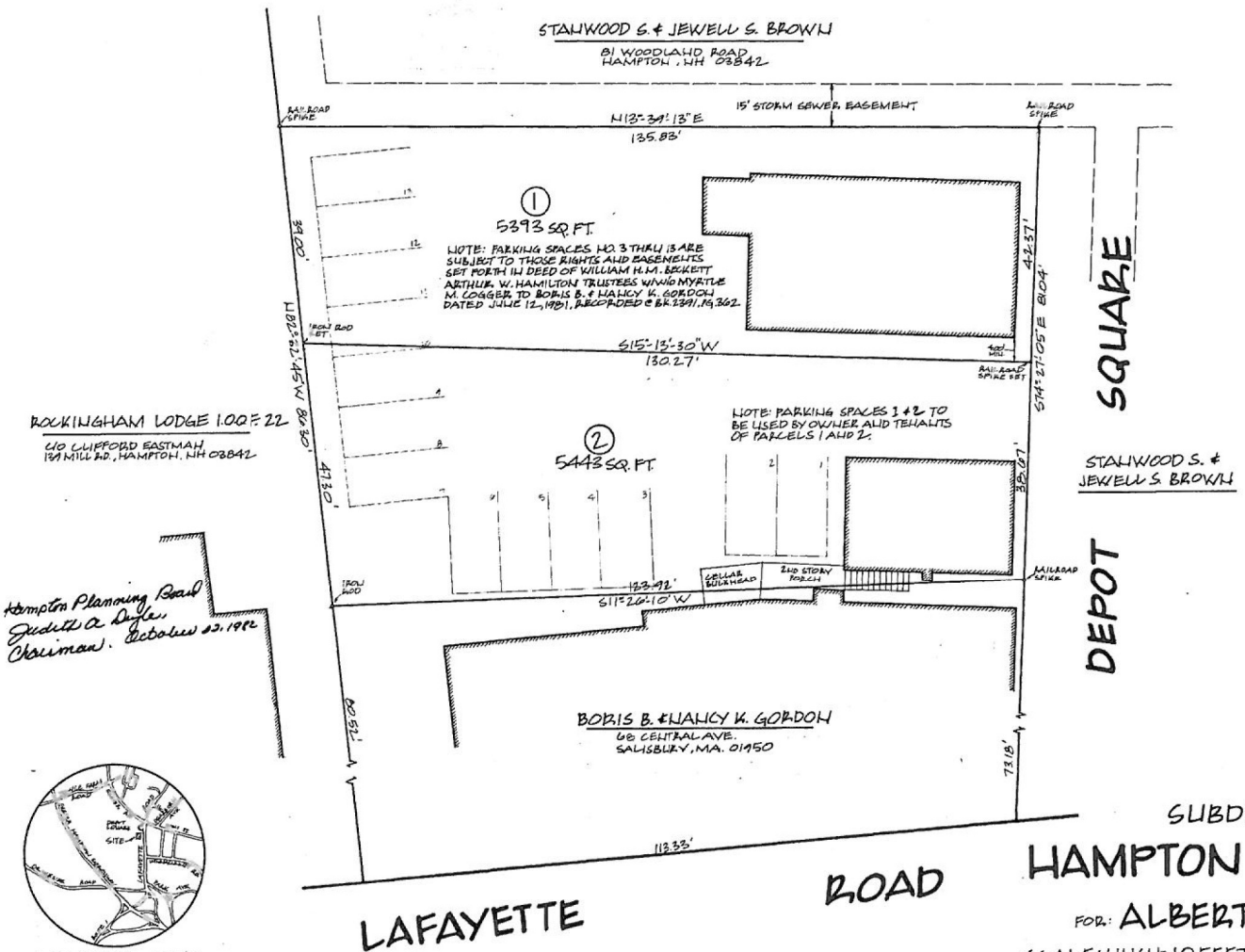
JOHN W. DURGIN ASSOCIATES, INC.

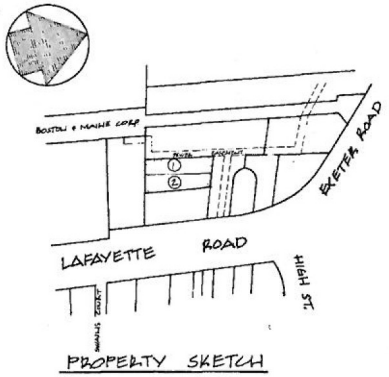
ESTABLISHED 1919

600 GREENLAND ROAD
PORTSMOUTH, N.H. 03801
1 WAKEFIELD STREET
SUITE 204
ROCHESTER, N.H. 03867

REVISIONS -

1. MAY 26, 1982 - ADD MONUMENTATION SET.
2. JULY 20, 1982 - REVISE ABUTTER NAME & ADDRESS, PARKING NOTE.





Hampton Planning Board
Judith A. Dyke,
Chairman. October 22, 1982

NOTE: PERIMETER INFORMATION FROM PREVIOUS SURVEY OF FEBRUARY 26, 1981 BY JOHN W. DURGIN ASSOCIATES, INC. FOR "ESTATE OF MYRTLE M. COGGER" DULY RECORDED.

LOCATION MAP

SUBDIVISION OF LOT

HAMPTON, NEW HAMPSHIRE

FOR: ALBERT A & RUTH A. ROSS

SCALE: 1 INCH = 10 FEET

APRIL 1982

D-11167

FILE NO. 270
PLAN NO. 5918-1

RESIDENT PARKING ONLY

Printed from Internet for on 6/22/2014

1375 393

KNOW ALL MEN BY THESE PRESENTS

that the Boston and Maine Railroad, a corporation duly established under the laws of the Commonwealth of Massachusetts and other States, in consideration of one dollar and other valuable considerations paid by the Town of Hampton, a municipal corporation duly established by law, the receipt whereof is hereby acknowledged, does hereby give, bargain, sell and convey unto the said Town of Hampton, its successors and assigns, forever, a certain piece or parcel of land situated in Hampton, in the County of Rockingham and State of New Hampshire, bounded and described as follows: Beginning on remaining land of the Boston and Maine Railroad at a point one hundred forty-one and thirty-two hundredths (141.32) feet South 77° 08' 05" East from station 2458+83.67 on the center line of location of the Portland Division main line of said Railroad, thence running South 77° 08' 05" East by said remaining land of said Railroad eighty-six and seventy-nine hundredths (86.79) feet to Lafayette Road so-called; thence turning and running South 9° 15' 55" West fifty-nine and four hundredths (59.04) feet to a point at remaining land of said Railroad; thence turning and running by said last mentioned land on two (2) courses as follows:North 74° 27' 05" West ninety-one and eighty-nine hundredths (91.89) feet and northerly on a curve to the right having a radius of twenty-seven and thirty-four hundredths (27.34) feet, eighty-four and sixty-two hundredths (84.62) feet to the point of beginning, be all of said measurements more or less , said parcel containing about six thousand, two hundred seven (6,207) square feet and being shown upon plan marked "Land in HAMPTON, N.H. Boston and Maine Railroad-TO-Town of Hampton J. F. Kerwin Eng'r of Design August, 1955" to be recorded herewith, a copy of which is hereto attached, to which reference is hereby made for a further description of the premises hereby conveyed.

Excepting from this conveyance the pole and wire lines as now located upon, along and over said parcel.

Said Boston and Maine Railroad hereby reserves unto itself,

Def. Town of Hampton

U.S. Rev. stamp $9.35

Printed from Internet for on 6/22/2014

2. its successors and assigns the right to maintain and use said pole and wire lines and to enter upon said parcel from time to time to replace, repair, renew and remove said pole and wire lines.

Said Boston and Maine Railroad hereby reserves unto itself, its successors and assigns, the right to maintain and use the existing drainage facilities located at the westerly end of said parcel.

This conveyance is made subject to the right of The Town of Hampton to lay and maintain a sewer pipe under, through and across said parcel.

It is agreed that the fee and soil of the driveways abutting said parcel is retained by the grantor.

This conveyance is made subject to the following restriction for the benefit of other land of the grantor, to wit: that neither the grantor nor its successors or assigns, shall ever be liable to the said grantee or its successors or assigns, or to any lessee of said parcel of land or of any part thereof, for any damages to any buildings or property upon the above described premises caused by fire whether communicated directly or indirectly by or from locomotive engines upon the railroad operated by the grantor or otherwise.

By the acceptance of this deed the grantee hereby covenants and agrees for itself, its successors and assigns, to build and forever maintain suitable fences along the first, third and fourth described bounds of said parcel for the benefit of the remaining land of the grantor if fences are required at any time hereafter. This covenant is to run with the land hereinabove described and to be binding upon the grantee, its successors and assigns, forever.

By the acceptance of this deed the grantee hereby covenants and agrees for itself, its successors and assigns, that neither it nor they will do anything to interfere with said existing drainage facilities. This covenant is to run with the land hereinabove described and to be binding upon the grantee, its successors and assigns forever.

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3. TO HAVE AND TO HOLD the above described premises with all the privileges and appurtenances thereto belonging, to the said Town of Hampton, its successors and assigns, to their own use and behoof forever.

IN WITNESS WHEREOF the said Boston and Maine Railroad has caused these presents to be executed and its corporate seal to be hereto affixed by Loyd J. Kiernan, its Executive Vice President, thereunto duly authorized, this 20th day of September in the year one thousand nine hundred and fifty-five.

Signed and Sealed in presence of

Edward J. Smith

BOSTON AND MAINE RAILROAD

By Loyd J. Kiernan
Executive Vice President.

COMMONWEALTH OF MASSACHUSETTS

County of Suffolk

On this the 20th day of September, 1955, before me, Walter H. Barrett, the undersigned officer, personally appeared Loyd J. Kiernan, who acknowledged himself to be Executive Vice President of Boston and Maine Railroad, a corporation, and that he as such Executive Vice President being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as Executive Vice President.

In witness whereof I hereto set my hand and official seal.

Walter H. Barrett
Notary Public.

My Commission expires July 7, 1962

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1375 396

At a Meeting of the Executive Committee of the Board of Directors of BOSTON AND MAINE RAILROAD, duly called, notified and held on May 27, 1955, a quorum being present, the following action was taken:

"VOTED: to enter into an agreement, which has just been presented and considered, for the sale by this Company to The Town of Hampton, New Hampshire, or its nominee, of a parcel of land in Hampton, New Hampshire, containing an area of about 6500 sq. feet for a consideration of $8500.00.

or ~~nominee~~

~~containing an area of about~~ , subject to more accurate computation and survey approved by the President or any Vice President of this Company; and the President, or any Vice President of this Company be and he hereby is authorized, in its name and behalf, to execute and deliver such agreement; and further

"VOTED: that the President, or any Vice President of this Company, be and he hereby is authorized in its name and behalf to execute, acknowledge, and deliver a deed of said premises when said further computation and survey have been completed and the signature of such officer on such deed shall be conclusive evidence of his approval of such computation and survey."

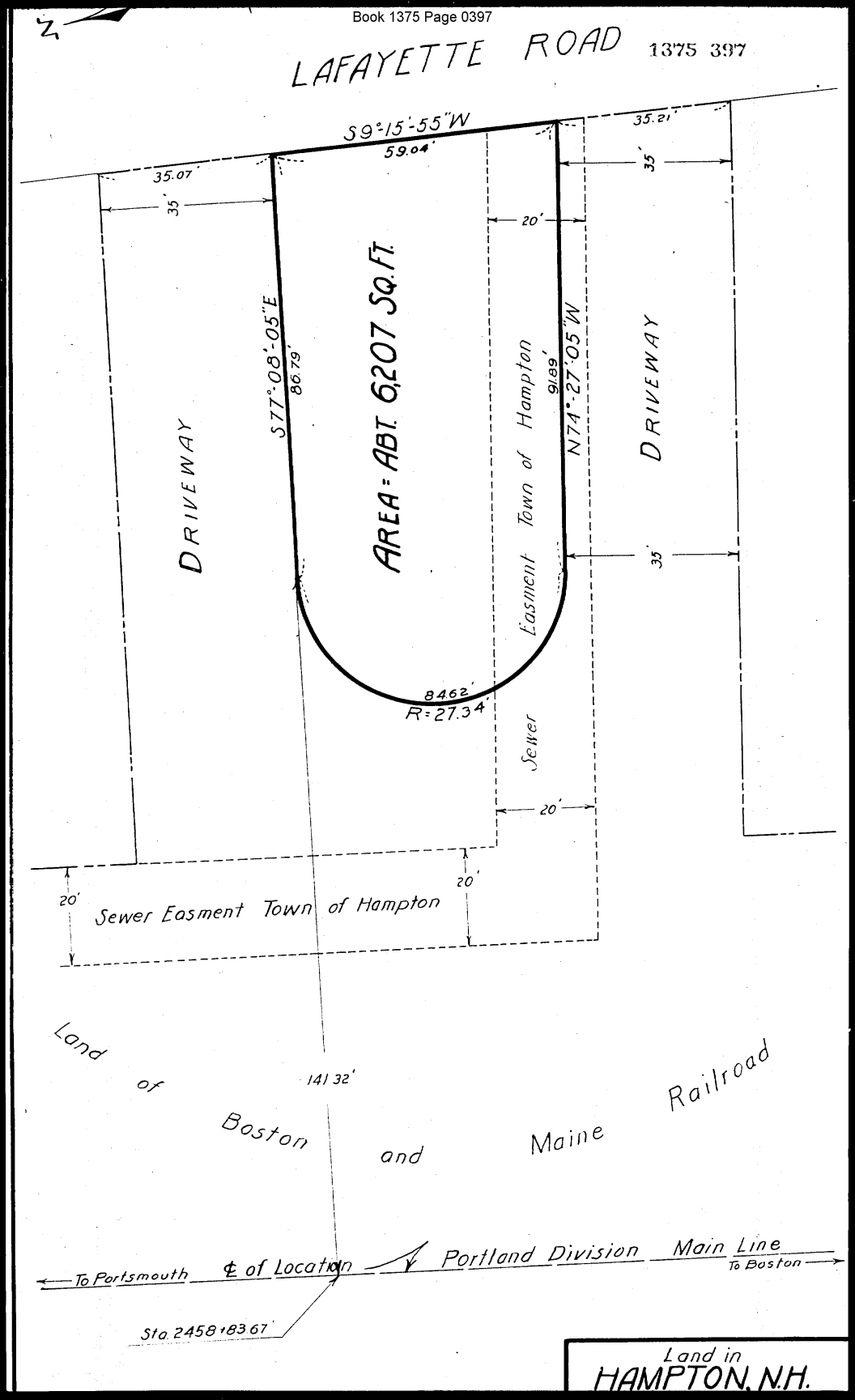
I, Edward F. Sinclair Pro Tem, Clerk of said Boston and Maine Railroad, do hereby certify that Town of Hampton the grantee in the deed to which this certificate is attached, is the party who has been nominated ~~by said~~ to accept such deed; and I further certify that the above mentioned computation and survey have been completed and that the premises described as conveyed by said deed are the same premises authorized to be conveyed in the vote of said Executive Committee hereinabove set forth.

Attest:

Edward F. Sinclair
Clerk.
Pro Tem.

Received and recorded: Nov. 7, 1:30 PM, 1955.

Printed from Internet for on 6/22/2014



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DEED OF WARRANTY

BK2496 PG266

20525

JUN 14 2 54 PM '84
Rockingham County
Registry of Deeds

We, ALBERT A. ROSS and RUTH A. ROSS

of 15 Longwood Drive
(Street Address)
Hampton, Rockingham County, State of
(Town or City)

New Hampshire, for consideration paid, grant to CLARENCE F. BARRETT and JUDITH S. BARRETT, husband and wife as joint tenants with rights of survivorship,

of 188 Winnacunnet Road
(Street Address)
Hampton, Rockingham County, State of
(Town or City)

New Hampshire, with WARRANTY convenants, the following described premises:

(Description of land or interest being conveyed: incumbrances, exceptions, reservations, if any)

A certain tract of land with the building thereon, situated on the Southerly side of Depot Square, Hampton, County of Rockingham, State of New Hampshire, and being more particularly bounded and described as follows:

Beginning at a point on the Southerly side of Depot Square, Hampton, and which point is marked by a railroad spike set at the Northwesterly corner of the premises herein conveyed at land of Stanwood S. Brown and Jewell S. Brown; thence running along said Depot Square, SOUTH 74° 27' 05" EAST a distance of 42.37 feet to a railroad spike set; thence turning and running along other lands of the grantors, SOUTH 15° 13' 30" WEST a distance of 130.27 feet to an iron rod set at land of Rockingham Lodge I.O.O.F. 22; thence turning and running along said Rockingham Lodge land, NORTH 82° 32' 45" WEST a distance of 39.00 feet to a railroad spike at land of Stanwood S. and Jewell S. Brown; thence turning and running along said Brown land and a fifteen (15') foot storm sewer easement, NORTH 13° 39' 13" EAST a distance of 135.83 feet to a railroad spike at the point of beginning. Said Lot No. 1 herein being conveyed containing 5,393 square feet.

Meaning and intending to convey Lot No. 1 on a plan entitled, "Subdivision of Lot, Hampton, NH for Albert A. and Ruth A. Ross, April 1982 by John W. Durgin Associates, Inc.", Plan No. D-11167, recorded at the Rockingham Registry of Deeds.

This conveyance is given subject to certain rights and easements appurtenant for the benefit of the premises conveyed by William H. M. Beckett and Arthur W. Hamilton, Trustees u/w/o Myrtie M.Cogger to Boris B. Gordon and Nancy K. Gordon by deed dated June 12, 1981, recorded in Rockingham County Registry of Deeds.

Being a portion of the premises conveyed to the grantors by Fiduciary Deed of William H.M. Beckett and Arthur W. Hamilton, Trustees u/w/o Myrtie M. Cogger dated June 15, 1981 and recorded in Book 2391, Page 570 of the Rockingham Records.

The 1984 real estate taxes are to be prorated as of date of transfer.

And, we being wife & husband of said Grantor, release to said Grantee all rights of homestead and other interests therein.

Witness hand s this 14th day of June 19 84

Witness:

N. Agnes Cossar

Albert A. Ross

Ruth A. Ross

State of New Hampshire
County of Rockingham

The foregoing instrument was acknowledged before me this 14th day of June A.D. 1984 by Albert A. Ross and Ruth A. Ross

STATE OF NEW HAMPSHIRE
TAX ON TRANSFER OF REAL PROPERTY
STATE TAX COMMISSION
P.D. 10669
JUN 14 '84
800.00
083543

N. Agnes Cossar
Justice of the Peace.
~~Notary Public~~

Printed from Internet for on 6/23/2014

004953

STATE OF NEW HAMPSHIRE
DEPARTMENT OF REVENUE ADMINISTRATION
REAL ESTATE TRANSFER TAX
X THOUSAND XX HUNDRED AND 40 DOLLARS
NO. DAY YR. 812485 AMOUNT
012607 $40.00
VOID IF ALTERED

2007 JAN 26 AM 9:59

ROCKINGHAM COUNTY REGISTRY OF DEEDS

EASEMENT DEED

Village Square of Hampton LLC of 428 Lafayette Rd, Hampton, NH, 03842
Town/City, County, State, Zip Code

(herein called "Grantors", which word and the pronouns referring thereto shall mean the singular or plural of any gender, as the context may require) for consideration paid grants to **Unitil Energy Systems, Inc.**, a New Hampshire corporation having a mailing address of 114 Drinkwater Road, Kensington, New Hampshire 03833-5602, and **Verizon New England, Inc.**, a New York corporation having its principal place of business at 185 Franklin Street, Boston, MA 02107, and their respective successors and assigns and permittees forever, as tenants in common, with quitclaim covenants, the perpetual right and easement to build, replace, patrol, maintain, and operate a pole line with crossarms, subsurface lines, wires, facilities and other appurtenances for the transmission of intelligence by electricity and for the transmission and distribution of electricity (herein referred to inclusively as "said pole line") including the necessary guys over and across Grantor's land situated on **428 Lafayette Road**, in **Hampton**, New Hampshire on a strip **20** feet in width, the center line thereof to be fixed upon the pole line as follows:

to cover riser pole #152/74/3 and associated anchors; padmount transformer #152/74/4 and all cables, conduits, and underground facilities, off main line pole #152/74, on 428 Lafayette Road, Hampton, NH

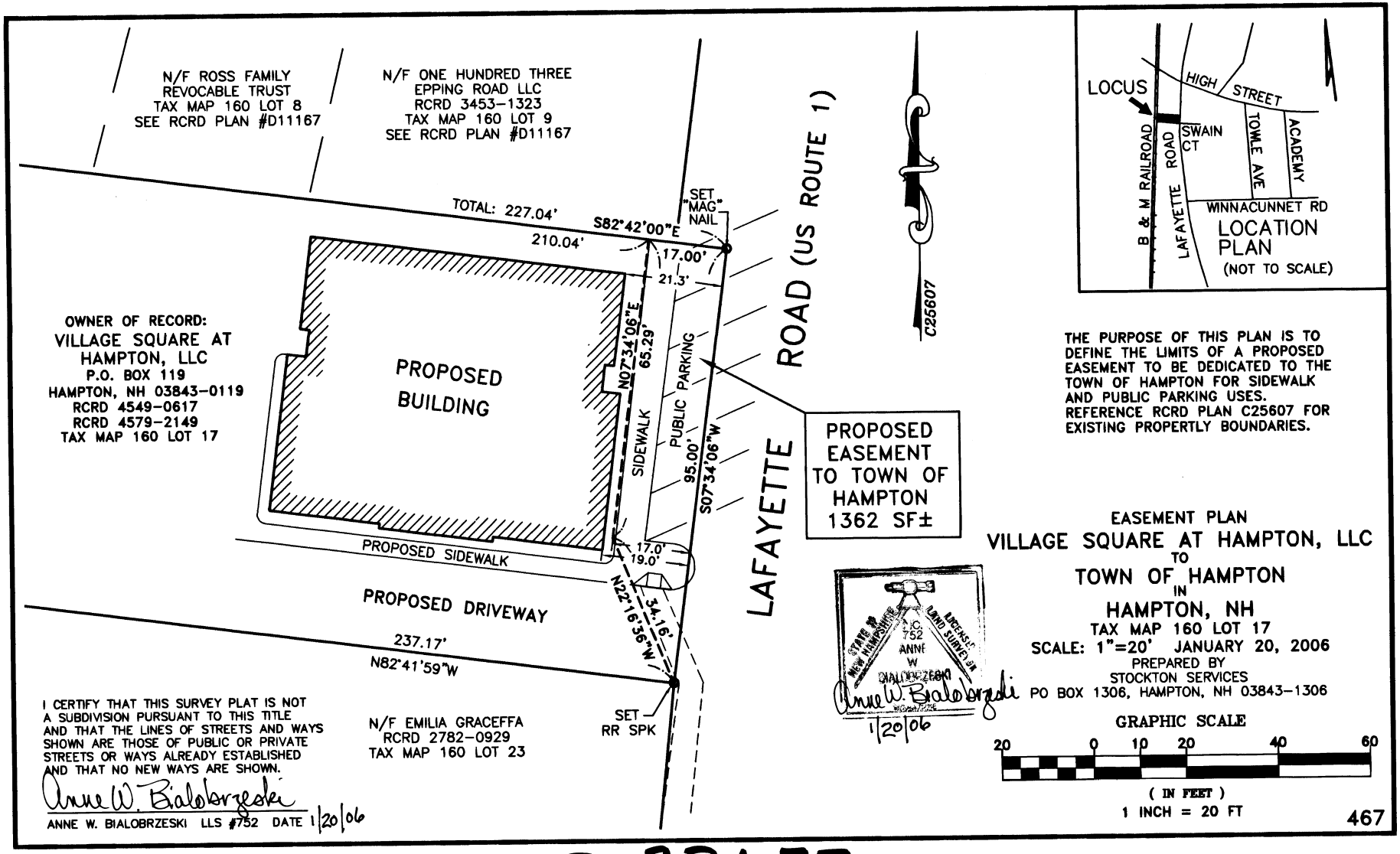
Meaning and intending to describe and convey an easement over those premises conveyed to Grantors by deed Dated September 16, 2005, and recorded in Rockingham County Registry of Deeds, in Book 4549, Page 617. *

There is also hereby conveyed the right to enter all abutting lands of Grantors in the exercise of the rights herein granted and to exercise all rights reserved to Grantors in adjacent land; and the right to trim and remove from Grantor's land such trees and other growth as in the judgment of Grantees may interfere with or endanger said pole lines or the operation or maintenance thereof by such means as the Grantee may elect, all wood and timber to remain the property of the Grantor(s). Facilities built by any utilities pursuant to the easement hereby granted shall be and remain the property of the utilities.

* see also affidavit of name change at Book 4579 page 2149.

2006 APR 13 PM 2:59

021800



B-33657

Printed from Internet for on 6/23/2014

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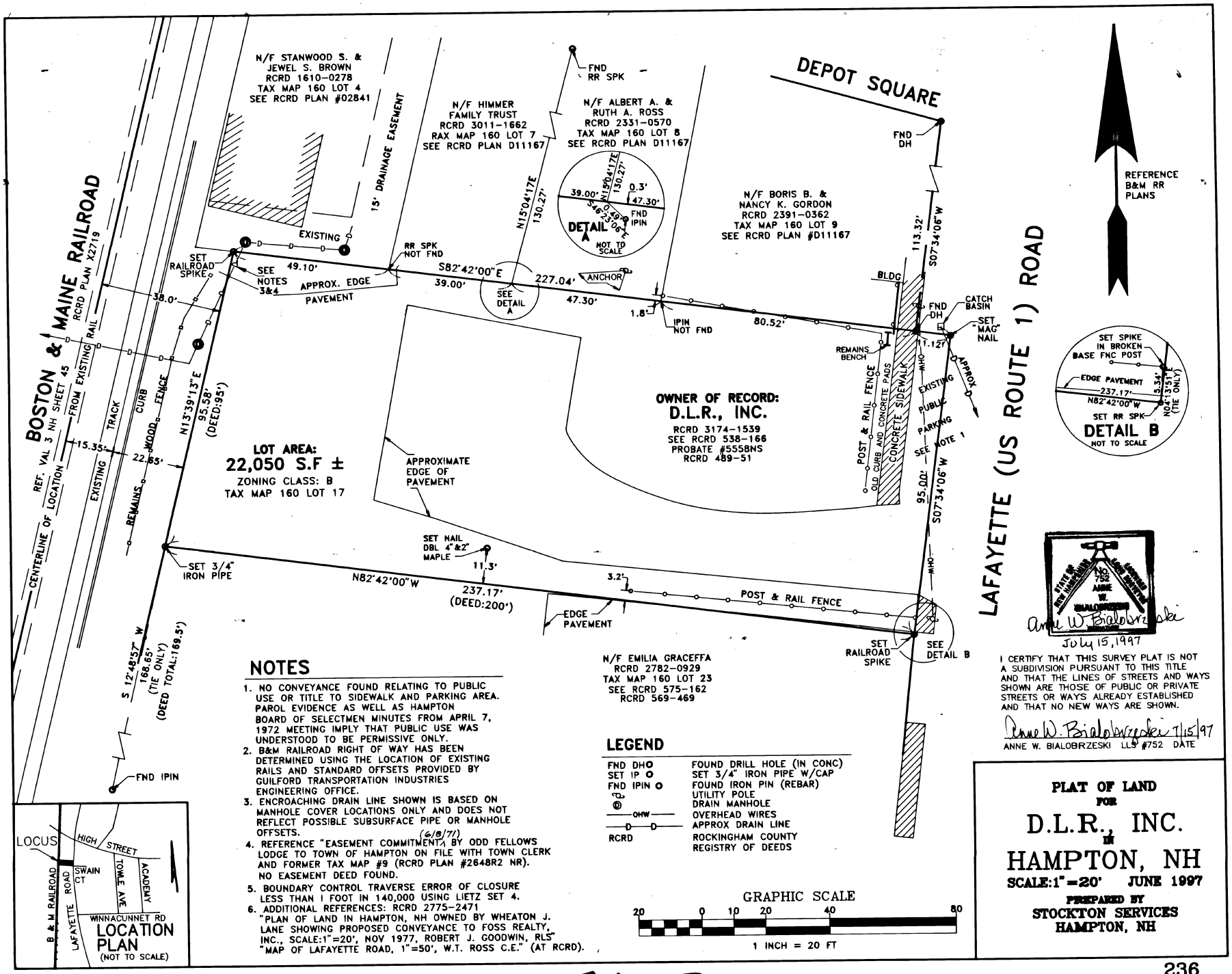


NOTES

1. NO CONVEYANCE FOUND RELATING TO PUBLIC USE OR TITLE TO SIDEWALK AND PARKING AREA. PAROL EVIDENCE AS WELL AS HAMPTON BOARD OF SELECTMEN MINUTES FROM APRIL 7, 1972 MEETING IMPLY THAT PUBLIC USE WAS UNDERSTOOD TO BE PERMISSIVE ONLY.
2. B&M RAILROAD RIGHT OF WAY HAS BEEN DETERMINED USING THE LOCATION OF EXISTING RAILS AND STANDARD OFFSETS PROVIDED BY GUILFORD TRANSPORTATION INDUSTRIES ENGINEERING OFFICE.
3. ENCROACHING DRAIN LINE SHOWN IS BASED ON MANHOLE COVER LOCATIONS ONLY AND DOES NOT REFLECT POSSIBLE SUBSURFACE PIPE OR MANHOLE OFFSETS.
4. REFERENCE "EASEMENT COMMITMENT" BY ODD FELLOWS LODGE TO TOWN OF HAMPTON ON FILE WITH TOWN CLERK AND FORMER TAX MAP #9 (RCRD PLAN #2648R2 NR). (6/8/71) NO EASEMENT DEED FOUND.
5. BOUNDARY CONTROL TRAVERSE ERROR OF CLOSURE LESS THAN 1 FOOT IN 140,000 USING LIETZ SET 4.
6. ADDITIONAL REFERENCES: RCRD 2775-2471 "PLAN OF LAND IN HAMPTON, NH OWNED BY WHEATON J. LANE SHOWING PROPOSED CONVEYANCE TO FOSS REALTY, INC., SCALE:1"=20', NOV 1977, ROBERT J. GOODWIN, RLS" "MAP OF LAFAYETTE ROAD, 1"=50', W.T. ROSS C.E." (AT RCRD).

LEGEND

FND DH ⊙	FOUND DRILL HOLE (IN CONC)
SET IP ○	SET 3/4" IRON PIPE W/CAP
FND IPIN ●	FOUND IRON PIN (REBAR)
"O"	UTILITY POLE
Ⓜ	DRAIN MANHOLE
—OHW—	OVERHEAD WIRES
—D—	APPROX DRAIN LINE
RCRD	ROCKINGHAM COUNTY REGISTRY OF DEEDS

GRAPHIC SCALE

20 0 10 20 40 80

1 INCH = 20 FT

STATE OF NEW HAMPSHIRE LAND SURVEYOR NO. 752 ANNE W. BIALOBRZESKI

July 15, 1997

I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.

Anne W. Bialobrzeski 7/15/97

ANNE W. BIALOBRZESKI LLS #752 DATE

PLAT OF LAND
FOR
D.L.R., INC.
IN
HAMPTON, NH
SCALE:1"=20' JUNE 1997
PREPARED BY
STOCKTON SERVICES
HAMPTON, NH

C-25607

Printed from Internet for on 4/15/2014

Nov 9 4 34 PM '82 23327

ENGINEERS
SURVEYORS
DESIGNERS

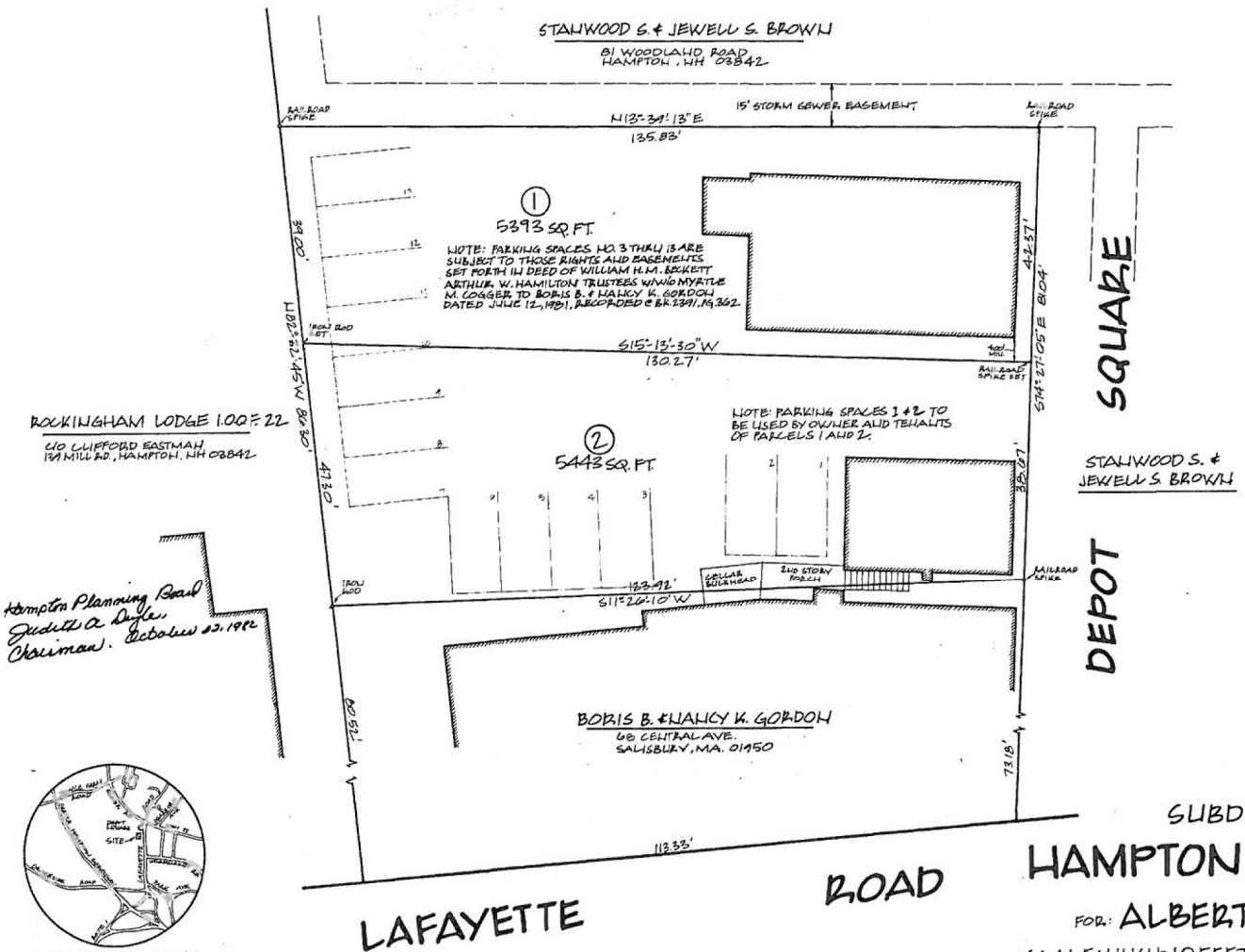
JOHN W. DURGIN ASSOCIATES, INC.

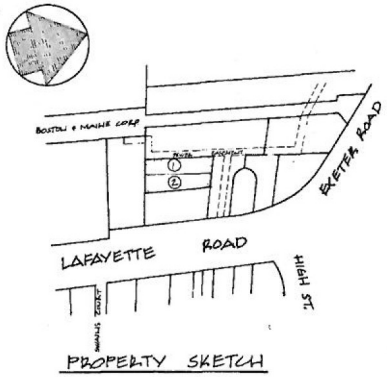
ESTABLISHED 1919

600 GREENLAND ROAD
PORTSMOUTH, N.H. 03801
1 WAKEFIELD STREET
SUITE 204
ROCHESTER, N.H. 03867

REVISIONS -

1. MAY 26, 1982 - ADD MONUMENTATION SET.
2. JULY 20, 1982 - REVISE ABUTTER NAME & ADDRESS, PARKING NOTE.





Hampton Planning Board
Judith A. Dyke,
Chairman. October 22, 1982

NOTE: PERIMETER INFORMATION FROM PREVIOUS SURVEY OF FEBRUARY 26, 1981 BY JOHN W. DURGIN ASSOCIATES, INC. FOR "ESTATE OF MYRTLE M. COGGER" DULY RECORDED.

LOCATION MAP

SUBDIVISION OF LOT

HAMPTON, NEW HAMPSHIRE

FOR: ALBERT A & RUTH A. ROSS

SCALE: 1 INCH = 10 FEET

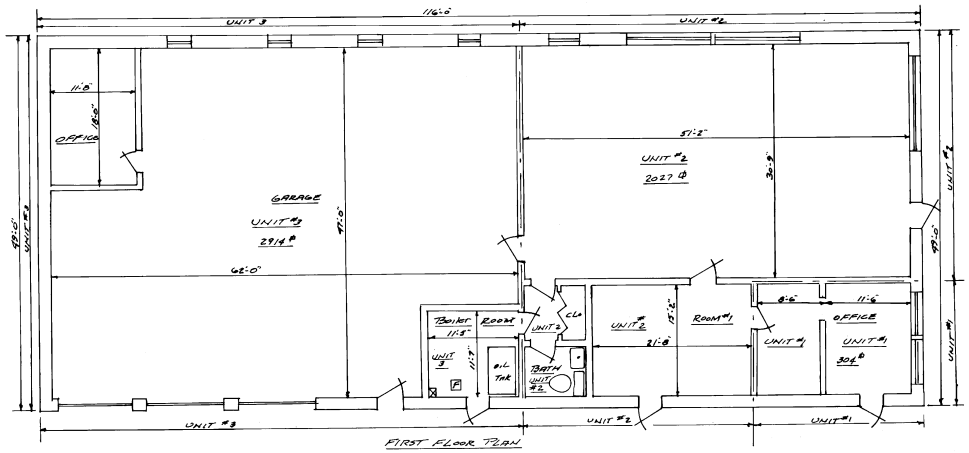
APRIL 1982

D-11167

FILE NO. 270
PLAN NO. 5918-1

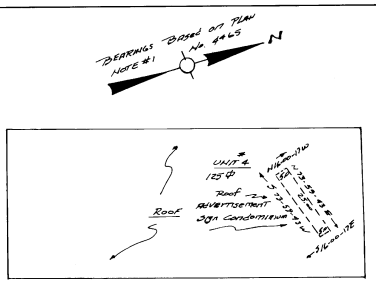
2006 JAN 24 PM 3:08

004955



FIRST FLOOR PLAN

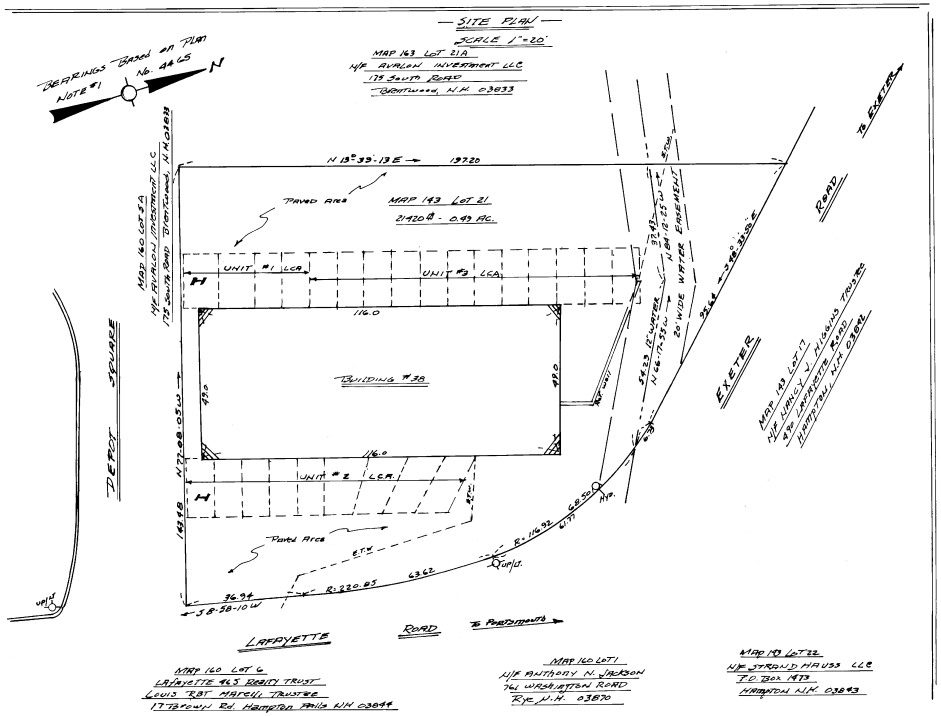
SCALE: 1/16" = 1'-0"



LAFAYETTE ROAD

CONDOMINIUM #4 ROOF PLAN

SCALE: 1" = 20'



NOTE:

1. Reference Plan of Land Hampton N.H. For John Bartomley Oct. 1926 Plan No. 4465 & Plan of Proposed Water Easement Hampton N.H., Hampton Water Works Co. Nov. 6, 1901 & Revised Plan April 6, 1902 Both Plans By John W. Durgin C.E. and A Plan Land in Hampton N.H. Boston and Maine Railroad To All State Realty Co. Vol 1506 Pg. 187.
2. Property Survey is based on a Random Traverse with a Closure of greater than 1 in 10,000.
3. Property Located in the "B" Zone & Located in Zone X as shown on FEMA Map 330132-0430 E of 681 May 17, 2005.
4. This Property is served By The Town of Hampton Sanitary Sewer & The Aquarian Water Co. Domestic Water.
5. This Plan shows a number of Legal pre existing non Conformities including But not limited To Parking To the Town of Hampton Zoning Ordinances.
6. Map 143 Lot 21-#38 Depot Square contains 21,420 ☐ Area with 80 % being sealed Surface.
7. Typical Parking Spaces 9'x18 ☐. Handicapped Parking 12'x18.
8. Hydrant & Street Light shown At the intersection of Exeter & Lafayette Roads and also shown a Street Light at Depot Square & Lafayette Road.
9. Trash Removal will be by The Town of Hampton Curb side pick up.
10. Parking Summary Unit #1, 4 Parking Spaces, Unit 2 9 Parking Spaces, Unit 3 12 Parking Spaces, all Areas Limited common Area 9'x18 Spaces.

"B" ZONE REQUIREMENTS

Minimum Lot Area	10,000 ☐
Frontage	100'
Front Setback	14'
Rear Setback	7'
Side Setback	7'

Approved By The Hampton Planning Board on 1/17/06 By The

Chairman _____,

Secretary _____,

Members _____,

_____,

I certify That This Plan Fully and Accurately Depicts The Location and Dimensions of The Land and Existing Improvements Shown Thereon and, To the Extent Feasible All Easements appurtenant Thereto; and that All Units Depicted Thereon have been Substantially Completed Unless otherwise noted, and That This Plan complies with the provisions of RSA 356-B:20, I, II, and V.

December 15 2005 Eric J. Cote LLS 387

Pursuant To RSA 676:18 III and RSA 672:14

I certify That This Survey Plat is not a Subdivision pursuant To This Title and That The Lines of Streets and Ways Shown Are Those of Public or Private Streets and Ways Already Established and That no new ways are Shown.

December 15, 2005 Eric J. Cote LLS 387

OWNER OF RECORD

APEX REALTY TRUST

FLORIAN KOZINCZAK

38 DEPOT SQUARE

HAMPTON N.H. 03842

MAP 143 LOT 21 21,420 ☐

No.	Date	Revision Description	By
1	1-11-06	Plan. Memo 1-10-06 Related Parking & Note #10.	E. Cote

FLOOR & SITE PLANS

FOR

38 DEPOT SQUARE

CONDOMINIUM

HAMPTON N.H.

SCALE: AS NOTED DECEMBER 15, 2005

TAX MAP 143 LOT 38

E.J. COTE & ASSOCIATES INC.

LAND SURVEYORS Tel. 926-4878

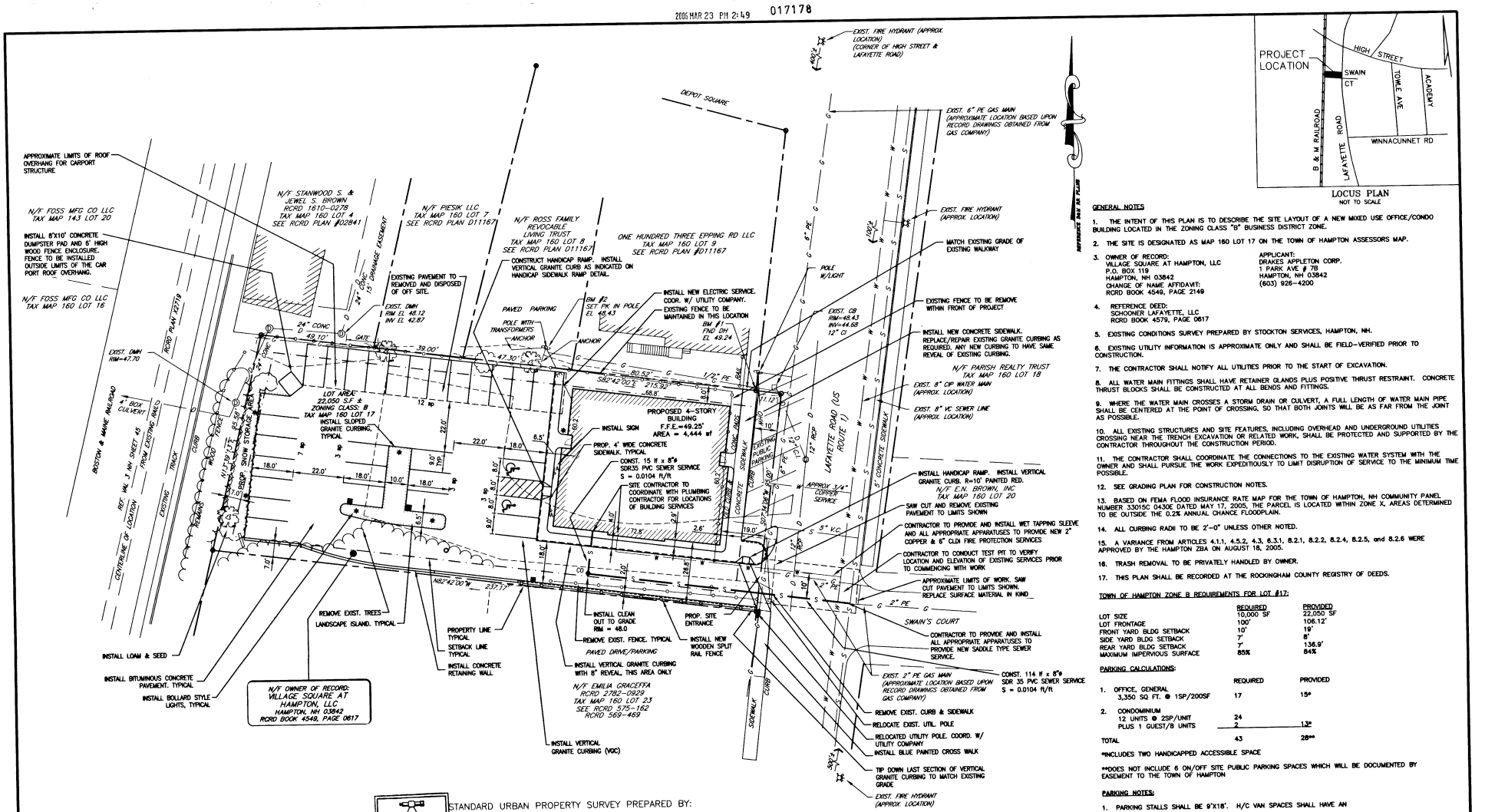
36 RAIN'S LANE

HAMPTON, N.H. 03842 PLAN No. 4-86-5860

D-33449

Printed from Internet for on 6/23/2014

2006 MAR 23 PM 2:49 017178


EXIST. FIRE HYDRANT (APPROX. LOCATION) (CORNER OF HIGH STREET & LAFAYETTE ROAD)
DEPOT SQUARE
EXIST. 6" PE GAS MAIN (APPROXIMATE LOCATION BASED UPON RECORD DRAWINGS OBTAINED FROM GAS COMPANY)
APPROXIMATE LIMITS OF ROOF OVERHANG FOR CARPORT STRUCTURE
N/F FOSS MFG CO LLC TAX MAP 143 LOT 20
INSTALL 8'X10' CONCRETE DUMPSTER PAD AND 6' HIGH WOOD FENCE ENCLOSURE. FENCE TO BE INSTALLED OUTSIDE LIMITS OF THE CAR PORT ROOF OVERHANG.
N/F FOSS MFG CO LLC TAX MAP 160 LOT 16
N/F STANWOOD S. & JEWEL S. BROWN RCRD 1610-0278 TAX MAP 160 LOT 4 SEE RCRD PLAN #02841
N/F PIESIK LLC TAX MAP 160 LOT 7 SEE RCRD PLAN D11167
N/F ROSS FAMILY REVOCABLE LIVING TRUST TAX MAP 160 LOT 8 SEE RCRD PLAN D11167
ONE HUNDRED THREE EPPING RD LLC TAX MAP 160 LOT 9 SEE RCRD PLAN #D11167
EXISTING PAVEMENT TO REMOVED AND DISPOSED OF OFF SITE.
CONSTRUCT HANDICAP RAMP. INSTALL VERTICAL GRANITE CURB AS INDICATED ON HANDICAP SIDEWALK RAMP DETAIL.
INSTALL NEW ELECTRIC SERVICE. COOR. W/ UTILITY COMPANY.
EXISTING FENCE TO BE MAINTAINED IN THIS LOCATION
EXIST. DMH RIM EL 48.12 INV EL 42.87
PAVED PARKING
POLE WITH TRANSFORMERS
ANCHOR
BM #2 SET PK IN POLE EL 48.43
BM #1 FND DH EL 49.24
EXIST. DMH RIM=47.70
RCRD PLAN 7279
24" CONC
49.10'
GATE
39.00'
47.30'
S82°42'00"E 213.92'
80.52'
68.8'
1/2" PE
EXIST. CB RIM=48.43 INV=44.68 12" CI
EXISTING FENCE TO BE REMOVE WITHIN FRONT OF PROJECT
INSTALL NEW CONCRETE SIDEWALK. REPLACE/REPAIR EXISTING GRANITE CURBING AS REQUIRED. ANY NEW CURBING TO HAVE SAME REVEAL OF EXISTING CURBING.
N/F PARISH REALTY TRUST TAX MAP 160 LOT 18
EXIST. 8" CIP WATER MAIN (APPROX. LOCATION)
EXIST. 8" VC SEWER LINE (APPROX. LOCATION)
BOSTON & MAINE RAILROAD
4' BOX CULVERT
REF. WL 3 W/ SHEET #5 FROM EXISTING PLANS
CENTERLINE OF LOCATION
EXISTING TRACK
CURB
WOOD REMAINS
LOT AREA: 22,050 S.F. ± ZONING CLASS: B TAX MAP 160 LOT 17
INSTALL SLOPED GRANITE CURBING, TYPICAL
PROPOSED 4-STORY BUILDING F.F.E.=49.25' AREA = 4,444 sf
INSTALL SIGN
PROP. 4' WIDE CONCRETE SIDEWALK. TYPICAL
CONST. 15 lf x 8"ø SDR35 PVC SEWER SERVICE S = 0.0104 ft/ft
SITE CONTRACTOR TO COORDINATE WITH PLUMBING CONTRACTOR FOR LOCATIONS OF BUILDING SERVICES
EXISTING PUBLIC PARKING
CONCRETE SIDEWALK
CURB
WOOD FENCE
LAFAYETTE ROAD (US ROUTE 1)
APPROX. 3/4" COPPER SERVICE
INSTALL HANDICAP RAMP. INSTALL VERTICAL GRANITE CURB. R=10' PAINTED RED.
N/F E.N. BROWN, INC. TAX MAP 160 LOT 20
SAW CUT AND REMOVE EXISTING PAVEMENT TO LIMITS SHOWN
CONTRACTOR TO PROVIDE AND INSTALL WET TAPPING SLEEVE AND ALL APPROPRIATE APPARATUSES TO PROVIDE NEW 2" COPPER & 6" CLDI FIRE PROTECTION SERVICES
CONTRACTOR TO CONDUCT TEST PIT TO VERIFY LOCATION AND ELEVATION OF EXISTING SERVICES PRIOR TO COMMENCING WITH WORK
APPROXIMATE LIMITS OF WORK. SAW CUT PAVEMENT TO LIMITS SHOWN. REPLACE SURFACE MATERIAL IN KIND
5" V.C.
2" PE
SWAIN'S COURT
CONTRACTOR TO PROVIDE AND INSTALL ALL APPROPRIATE APPARATUSES TO PROVIDE NEW SADDLE TYPE SEWER SERVICE.
EXIST. 2" PE GAS MAIN (APPROXIMATE LOCATION BASED UPON RECORD DRAWINGS OBTAINED FROM GAS COMPANY)
CONST. 114 lf x 8"ø SDR 35 PVC SEWER SERVICE S = 0.0104 ft/ft
REMOVE EXIST. CURB & SIDEWALK
RELOCATE EXIST. UTIL. POLE
RELOCATED UTILITY POLE. COORD. W/ UTILITY COMPANY
INSTALL BLUE PAINTED CROSS WALK
TIP DOWN LAST SECTION OF VERTICAL GRANITE CURBING TO MATCH EXISTING GRADE
EXIST. FIRE HYDRANT (APPROX. LOCATION)
REMOVE EXIST. TREES LANDSCAPE ISLAND. TYPICAL
PROPERTY LINE TYPICAL
SETBACK LINE TYPICAL
INSTALL CONCRETE RETAINING WALL
INSTALL CLEAN OUT TO GRADE RIM = 48.0
REMOVE EXIST. FENCE. TYPICAL
PAVED DRIVE/PARKING
PROP. SITE ENTRANCE
INSTALL NEW WOODEN SPLIT RAIL FENCE
INSTALL VERTICAL GRANITE CURBING WITH 8" REVEAL, THIS AREA ONLY
N/F EMILIA GRACEFFA RCRD 2782-0929 TAX MAP 160 LOT 23 SEE RCRD 575-162 RCRD 569-469
INSTALL VERTICAL GRANITE CURBING (VGC)
INSTALL LOAM & SEED
INSTALL BITUMINOUS CONCRETE PAVEMENT. TYPICAL
INSTALL BOLLARD STYLE LIGHTS, TYPICAL
N/F OWNER OF RECORD: VILLAGE SQUARE AT HAMPTON, LLC HAMPTON, NH 03842 RCRD BOOK 4549, PAGE 0617
S82°42'00"W 237.17'
N17°19'17"E 85.68'
SNOW STORAGE AREA
7.0'
S82°42'00"E
SIDEWALK
CURB

LOCUS PLAN
NOT TO SCALE

GENERAL NOTES

1. THE INTENT OF THIS PLAN IS TO DESCRIBE THE SITE LAYOUT OF A NEW MIXED USE OFFICE/CONDO BUILDING LOCATED IN THE ZONING CLASS "B" BUSINESS DISTRICT ZONE.
2. THE SITE IS DESIGNATED AS MAP 160 LOT 17 ON THE TOWN OF HAMPTON ASSESSORS MAP.
3. OWNER OF RECORD: VILLAGE SQUARE AT HAMPTON, LLC P.O. BOX 119 HAMPTON, NH 03842 CHANGE OF NAME AFFIDAVIT: RCRD BOOK 4549, PAGE 2149
   APPLICANT: DRAKES APPLETON CORP. 1 PARK AVE # 78 HAMPTON, NH 03842 (603) 926-4200
4. REFERENCE DEED: SCHOONER LAFAYETTE, LLC RCRD BOOK 4579, PAGE 0617
5. EXISTING CONDITIONS SURVEY PREPARED BY STOCKTON SERVICES, HAMPTON, NH.
6. EXISTING UTILITY INFORMATION IS APPROXIMATE ONLY AND SHALL BE FIELD-VERIFIED PRIOR TO CONSTRUCTION.
7. THE CONTRACTOR SHALL NOTIFY ALL UTILITIES PRIOR TO THE START OF EXCAVATION.
8. ALL WATER MAIN FITTINGS SHALL HAVE RETAINER GLANDS PLUS POSITIVE THRUST RESTRAINT. CONCRETE THRUST BLOCKS SHALL BE CONSTRUCTED AT ALL BENDS AND FITTINGS.
9. WHERE THE WATER MAIN CROSSES A STORM DRAIN OR CULVERT, A FULL LENGTH OF WATER MAIN PIPE SHALL BE CENTERED AT THE POINT OF CROSSING, SO THAT BOTH JOINTS WILL BE AS FAR FROM THE JOINT AS POSSIBLE.
10. ALL EXISTING STRUCTURES AND SITE FEATURES, INCLUDING OVERHEAD AND UNDERGROUND UTILITIES CROSSING NEAR THE TRENCH EXCAVATION OR RELATED WORK, SHALL BE PROTECTED AND SUPPORTED BY THE CONTRACTOR THROUGHOUT THE CONSTRUCTION PERIOD.
11. THE CONTRACTOR SHALL COORDINATE THE CONNECTIONS TO THE EXISTING WATER SYSTEM WITH THE OWNER AND SHALL PURSUE THE WORK EXPEDITIOUSLY TO LIMIT DISRUPTION OF SERVICE TO THE MINIMUM TIME POSSIBLE.
12. SEE GRADING PLAN FOR CONSTRUCTION NOTES.
13. BASED ON FEMA FLOOD INSURANCE RATE MAP FOR THE TOWN OF HAMPTON, NH COMMUNITY PANEL NUMBER 33015C 0430E DATED MAY 17, 2005, THE PARCEL IS LOCATED WITHIN ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
14. ALL CURBING RADII TO BE 2'-0" UNLESS OTHER NOTED.
15. A VARIANCE FROM ARTICLES 4.1.1, 4.5.2, 4.3, 6.3.1, 8.2.1, 8.2.2, 8.2.4, 8.2.5, and 8.2.6 WERE APPROVED BY THE HAMPTON ZBA ON AUGUST 18, 2005.
16. TRASH REMOVAL TO BE PRIVATELY HANDLED BY OWNER.
17. THIS PLAN SHALL BE RECORDED AT THE ROCKINGHAM COUNTY REGISTRY OF DEEDS.

TOWN OF HAMPTON ZONE B REQUIREMENTS FOR LOT #17:

	REQUIRED	PROVIDED
LOT SIZE	10,000 SF	22,050 SF
LOT FRONTAGE	100'	106.12'
FRONT YARD BLDG SETBACK	10'	19'
SIDE YARD BLDG SETBACK	7'	8'
REAR YARD BLDG SETBACK	7'	136.9'
MAXIMUM IMPERVIOUS SURFACE	85%	84%

PARKING CALCULATIONS:

	REQUIRED	PROVIDED
1. OFFICE, GENERAL 3,350 SQ FT. @ 1SP/200SF	17	15*
2. CONDOMINIUM 12 UNITS @ 2SP/UNIT	24	
PLUS 1 GUEST/8 UNITS	2	13*
TOTAL	43	28**

*INCLUDES TWO HANDICAPPED ACCESSIBLE SPACE

**DOES NOT INCLUDE 6 ON/OFF SITE PUBLIC PARKING SPACES WHICH WILL BE DOCUMENTED BY EASEMENT TO THE TOWN OF HAMPTON

PARKING NOTES:

1. PARKING STALLS SHALL BE 9'X18'. H/C VAN SPACES SHALL HAVE AN 8' ADJACENT AISLE.
2. PARKING AISLES SHALL BE 22' WIDE U.N.O.
3. INSTALL UPRIGHT SIGNAGE AT EACH H/C SPACE.
4. ACCESSIBLE CURB RAMPS SHALL BE PER THE AMERICANS WITH DISABILITIES ACT (ADA) ACCESSIBILITY GUIDELINES.
5. ONE PARKING SPACE WILL BE AVAILABLE FOR EACH UNIT AND NO MORE THAN TWO PERSONS SHALL OCCUPY EACH UNIT.

FIRE PROTECTION NOTES:

1. A FIRE SPRINKLER SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH THE STATE FIRE CODES AND TOWN ORDINANCES.
2. A FIRE ALARM SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH THE STATE FIRE CODES AND TOWN ORDINANCES.
3. BOTH OF THE FIRE PROTECTION SYSTEMS SHALL BE CONNECTED TOT HE HAMPTON MUNICIPAL FIRE ALARM SYSTEM VIEW A MASTER BOX.

STANDARD URBAN PROPERTY SURVEY PREPARED BY:

ANNE W. BIALOBRZESKI LSS #752 DATE 3/8/06

CERTIFICATION APPLIES TO SURVEY ONLY. REFERENCE RCRD PLAN C25607 FOR COMPLETE BOUNDARY INFORMATION

GRAPHIC SCALE
0 20 40
1 inch = 20 ft

D-33589

REV	DATE	STATUS	BY	CHKD	APPD
7	12/21/05	REV. PER CITY ENGINEER COMMENT ON 12-15-05	MAM	DJG	
6	11/07/05	PLANNING BOARD APPROVAL	MAM	DJG	
5	09/16/05	AMMENDED SITE PLAN APPLICATION	MAM	DJG	
4	03/22/05	REGISTRY REVISIONS	MAM	DJG	
3	03/07/05	ISSUED FOR PLANNING BOARD APPROVAL	MAM	DJG	
2	12/15/04	REVISIONS TOWN COMMENTS DATED 12/8/04	MAM	DJG	
1	11/11/04	REVISIONS CITY ENGINEER COMMENT ON 10-13-04	MAM	DJG	
0	09/03/04	PLAN REVISIONS	DJG	DJG	

APPROVED HAMPTON PLANNING BOARD DATE 4/10/06

DESIGNED BY: RRC
DRAWN BY: RRC
CHECKED BY:
APPROVED BY: DJG
DATE: AUG 12, 2004

HTA Kimball Chase Consulting Engineers
Consulting Engineers ■ Construction Managers
Pease International Tradeport
29 New Hampshire Avenue (603)431-2520
Portsmouth, NH. 03801 FAX (603)431-8067

CLIENT: DRAKES APPLETON CORPORATION HAMPTON, NH

OWNER OF RECORD: VILLAGE SQUARE AT HAMPTON, LLC HAMPTON, NH 03842

PROJECT: TAX MAP 160 LOT 17 428 LAFAYETTE ROAD HAMPTON, NH

TITLE: SITE PLAN

SCALE: 1" = 20'
PROJECT NO.: 546401
DRAWING NO.: C-2
SHT. 3 of 7 REV.

P:\Projects\546401 Lafayette Road\Dwg\Current\546401 SITE PLAN.dwg

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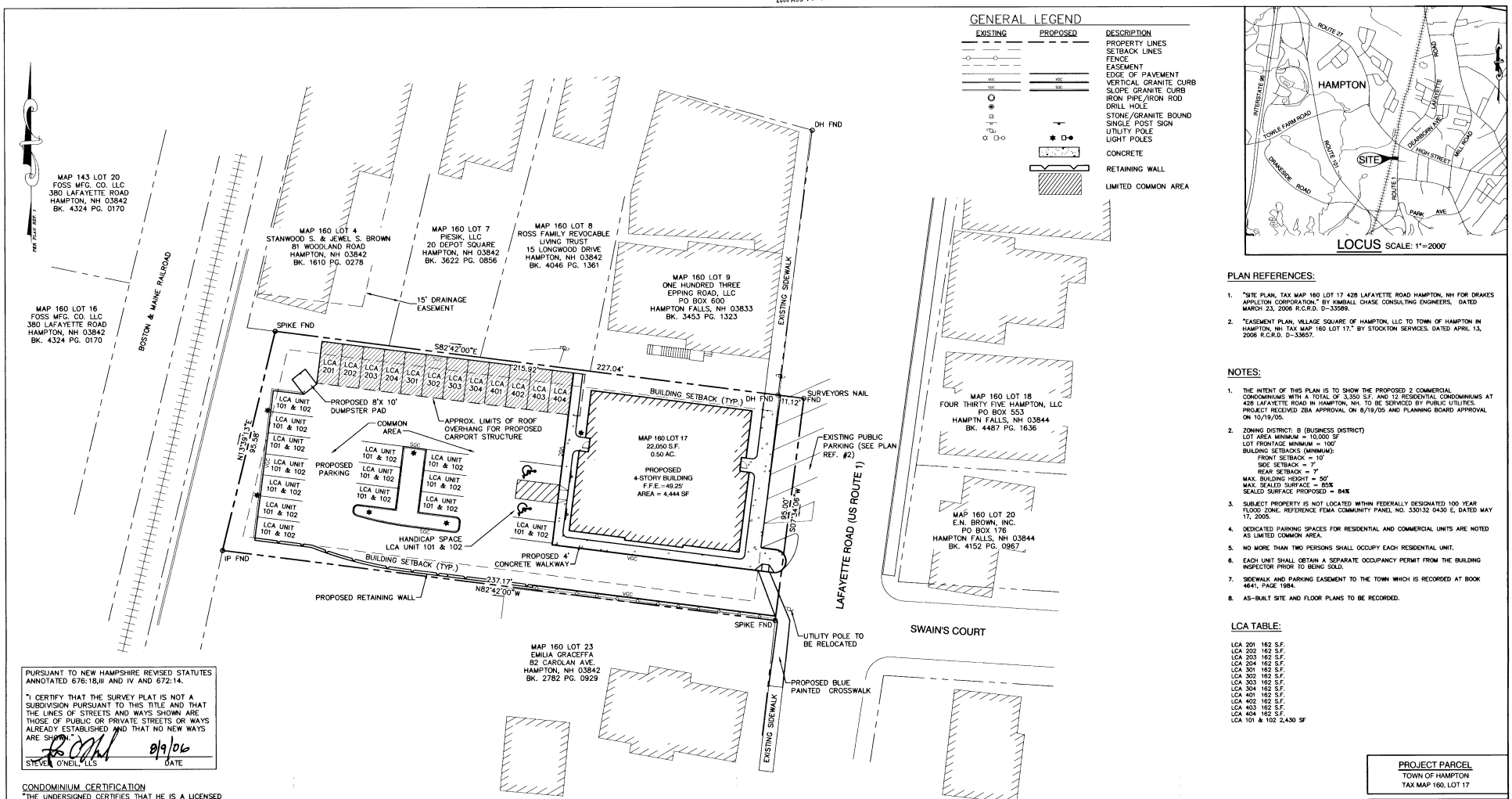
2006 AUG 11 PM 3:23 050172



PURSUANT TO NEW HAMPSHIRE REVISED STATUTES ANNOTATED 676:18,III AND IV AND 672:14.

"I CERTIFY THAT THE SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN."

STEVEN O'NEIL, LLS — DATE 8/9/06

CONDOMINIUM CERTIFICATION

"THE UNDERSIGNED CERTIFIES THAT HE IS A LICENSED REGISTERED SURVEYOR IN THE STATE OF NEW HAMPSHIRE AND CERTIFIES THAT THIS SITE PLAN IS ACCURATE AND DEPICTS THE LAND UNITS AND COMMON AREAS DEPICTED ON THE PLAN. THIS PLAN COMPLIES WITH THE PROVISION OF RSA CHAPTER 356-B:20(I)." THE BUILDINGS SHOWN THEREON HAVE BEGUN, BUT ARE NOT SUBSTANTIALLY COMPLETE.

STEVEN O'NEIL, LLS — DATE 8/9/06

PLAN REFERENCES:

1. "SITE PLAN, TAX MAP 160 LOT 17 428 LAFAYETTE ROAD HAMPTON, NH FOR DRAKES APPLETON CORPORATION." BY KIMBALL CHASE CONSULTING ENGINEERS, DATED MARCH 23, 2006 R.C.R.D. D-33589.
2. "EASEMENT PLAN, VILLAGE SQUARE OF HAMPTON, LLC TO TOWN OF HAMPTON IN HAMPTON, NH TAX MAP 160 LOT 17." BY STOCKTON SERVICES. DATED APRIL 13, 2006 R.C.R.D. D-33657.

NOTES:

1. THE INTENT OF THIS PLAN IS TO SHOW THE PROPOSED 2 COMMERCIAL CONDOMINIUMS WITH A TOTAL OF 3,350 S.F. AND 12 RESIDENTIAL CONDOMINIUMS AT 428 LAFAYETTE ROAD IN HAMPTON, NH. TO BE SERVICED BY PUBLIC UTILITIES. PROJECT RECEIVED ZBA APPROVAL ON 8/19/05 AND PLANNING BOARD APPROVAL ON 10/19/05.
2. ZONING DISTRICT: B (BUSINESS DISTRICT)
   LOT AREA MINIMUM = 10,000 SF
   LOT FRONTAGE MINIMUM = 100'
   BUILDING SETBACKS (MINIMUM):
   FRONT SETBACK = 10'
   SIDE SETBACK = 7'
   REAR SETBACK = 7'
   MAX. BUILDING HEIGHT = 50'
   MAX. SEALED SURFACE = 85%
   SEALED SURFACE PROPOSED = 84%
3. SUBJECT PROPERTY IS NOT LOCATED WITHIN FEDERALLY DESIGNATED 100 YEAR FLOOD ZONE. REFERENCE FEMA COMMUNITY PANEL NO. 330132 0430 E, DATED MAY 17, 2005.
4. DEDICATED PARKING SPACES FOR RESIDENTIAL AND COMMERCIAL UNITS ARE NOTED AS LIMITED COMMON AREA.
5. NO MORE THAN TWO PERSONS SHALL OCCUPY EACH RESIDENTIAL UNIT.
6. EACH UNIT SHALL OBTAIN A SEPARATE OCCUPANCY PERMIT FROM THE BUILDING INSPECTOR PRIOR TO BEING SOLD.
7. SIDEWALK AND PARKING EASEMENT TO THE TOWN WHICH IS RECORDED AT BOOK 4641, PAGE 1984.
8. AS-BUILT SITE AND FLOOR PLANS TO BE RECORDED.

LCA TABLE:

LCA 201	162 S.F.
LCA 202	162 S.F.
LCA 203	162 S.F.
LCA 204	162 S.F.
LCA 301	162 S.F.
LCA 302	162 S.F.
LCA 303	162 S.F.
LCA 304	162 S.F.
LCA 401	162 S.F.
LCA 402	162 S.F.
LCA 403	162 S.F.
LCA 404	162 S.F.
LCA 101 & 102	2,430 SF

PROJECT PARCEL
TOWN OF HAMPTON
TAX MAP 160, LOT 17

APPLICANT/OWNER
VILLAGE SQUARE OF HAMPTON, LLC
PO BOX 119
HAMPTON, NH 03842
BK. 4549 PG. 2149

TOTAL LOT AREA
22,050 S.F.
0.50 ACRES

D-34062

2	8/8/06	REVISED PER ATTORNEY COMMENTS	JAC
1	6/14/06	REVISED PER ATTORNEY COMMENTS	TED
0	5/25/06	ISSUED FOR REVIEW	MTL
REV.	DATE	REVISION	BY

Design: JAC | Draft: MTL | Date: 5/15/06
Checked: SON | Scale: 1"=20' | Project No.: 06048
Drawing Name: 06048-PLAN.dwg

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE). ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.

STEVEN O'NEIL 715 LICENSED LAND SURVEYOR 8/9/06

Jones & Beach Engineers, Inc.
85 Portsmouth Ave.
PO Box 219
Stratham, NH 03885
Civil Engineering Services
603-772-4746
FAX: 603-772-0227
E-MAIL: JBE@JONESANDBEACH.COM

Plan Name: VILLAGE SQUARE OF HAMPTON CONDOMINIUM SITE PLAN
Project: TAX MAP 160, LOT 17
428 LAFAYETTE ROAD, HAMPTON, NH
Client: VILLAGE SQUARE OF HAMPTON, LLC
PO BOX 119, HAMPTON, NH 03842

DRAWING No.
C1
SHEET 1 OF 1
JBE PROJECT NO. 06048

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JUN 15 11 01 AM '81

STATUTORY FORM OF

BK2391 P0362

11956

Fiduciary Deed

WILLIAM H. M. BECKETT, of Exeter, and ARTHUR W. HAMILTON, of Hampton

~~of~~ Rockingham County, State of New Hampshire

~~for under Will Administrator of the Estate~~ Trustee

under Will ~~Guardian Conservator Receiver of the Estate Commissioner~~ of Myrtie M. Cogger

of Hampton Rockingham County, State of New Hampshire

, by the power conferred by the Rockingham County

Probate Court on June 9, 1981,

and every other power

for THREE HUNDRED TWENTY-FIVE THOUSAND and no/100 Dollars ($325,000.00)----------

paid, grant to BORIS B. GORDON and NANCY K. GORDON, as joint tenants with the right of

survivorship, of 68 Central Avenue

of Salisbury Essex County, ~~State of New Hampshire~~

Commonwealth of Massachusetts , the following described premises:

A certain tract of land with the buildings thereon, situated on the Westerly side of Lafayette Road, Hampton, County of Rockingham, State of New Hampshire, more particularly bounded and described as follows:

Beginning at a point on the Southerly side of land of the Boston and Maine Railroad and thence running Southerly in a straight line which passes two inches to the east of the Southeasterly corner of the outside brick chimney located on the Easterly side of the Bakery building, so-called, now known as the Shoe Store, and continuing in a straight line to a point at land of the Odd Fellows Association, which said point, if continued in a straight line, would meet the Northwesterly corner of the brick foundation of the Odd Fellows Building, said point being about 12 feet therefrom, and thence turning and running Easterly along land of said Odd Fellows Association to Lafayette Road; thence turning and running Northerly along said Lafayette Road to land of the Boston and Maine Railroad; thence turning and running Westerly along land of the Boston and Maine Railroad to the point of beginning.

Being the same premises described in paragraph 1 of the Will of Myrtie M. Cogger in which said premises were devised to William P. Cogger (now deceased) and his wife, Lillian D. Cogger, for the term of their natural lives, and upon their decease said premises were devised to the Trustees named in paragraph 17 of said Will or their successors; the said William P. Cogger died on January 20, 1940. The premises are a portion of the property conveyed by Boston and Maine Railroad to Thomas Cogger by deed dated March 14, 1922, recorded in Rockingham County Registry of Deeds in Book 756, Page 154.

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Also conveying herewith to the Grantees a non-exclusive easement for pedestrian and vehicular ingress and egress by means of the driveway which is located between the "Post Office Building" and the "Bakery Building" (being the buildings referred to in said paragraph 1 of the Will of Myrtie M. Cogger) to the west of the premises, and an exclusive easement for parking, loading and unloading, in those parking spaces numbered 3 through 13 on a plan entitled "Plan of Land under Will of Myrtie M. Cogger", dated February 26, 1981, John W. Durgin Associates, Inc., Plan #5918, and a non-exclusive right to use the open area on Parcel 1 (as shown on said Plan) to the South of the buildings thereon for ingress and egress incidental to the use of said parking spaces. Also conveying to the Grantees a non-exclusive easement to the right to use the "cellar bulkhead", stairway and "Second Story Porch" on the west side of the building (situated partly on Parcel 1 as shown on said plan), together with ingress and egress, as providing access to the building on the premises and to repair and replace the same. In the event the building on Parcel 1 to which the stairway is attached is removed, repaired or rebuilt, the owners of said building shall have the right, at their own expense, to change the location of said stairway and to rebuild the same, provided that the stairway as changed shall continue to provide reasonably convenient access to the Grantees' second floor.

These premises are conveyed subject to real estate taxes for 1981, which the Grantees in accepting this deed assume and agree to pay.

Subject to the right of Lillian D. Cogger to occupy her present apartment for her life for a rent of $200.00 per month.

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BK2391 P0364

093514

STATE OF NEW HAMPSHIRE
TAX ON TRANSFER OF REAL PROPERTY
STATE TAX COMMISSION
P.B. 10665 JUN 15 '81 812.50 R.S.A. 78-B

Witness our hands ~~and seal~~ this 12th day of June, 19 81.

Witness:

Thomas B Welch
to both signatures

William H. M. Beckett, Trustee

Arthur W. Hamilton, Trustee

THE STATE OF NEW HAMPSHIRE

ROCKINGHAM ss. June 12, 19 81

Then personally appeared the above named William H. M. Beckett and Arthur W. Hamilton, Trustees under the will of Myrtie M. Cogger

and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me Thomas B Welch

Justice of the Peace ~~Notary Public~~